Vol. 2

56-1567

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L.A. County Grand Jury Transcript re: L.A. County Clerk Office

Dated 8/16/71 — 8/17/71 inc

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Subs

Department of Justice

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BUREAU OF INVESTIGATION

Bureau File Number 62-582

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PENDING LITIGATION

See also Nos.

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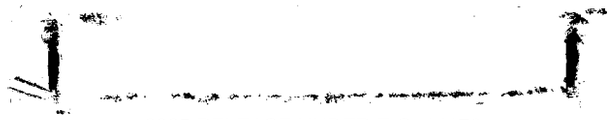

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THE GRAND JURY OF THE COUNTY OF LOS ANGELES
STATE OF CALIFORNIA

* * * * *

THE PEOPLE OF THE STATE OF CALIFORNIA, Plaintiff, vs. SIRHAN BISHARA SIRHAN, Defendant.	No. A-233,421

SEP 7 1971

REPORTER'S TRANSCRIPT OF GRAND JURY PROCEEDINGS

AUGUST 16, 1971
AUGUST 17, 1971
(A.M. ONLY)

VOLUME 1 of 3 VOLUMES

Pages: 1 - 241, incl.

APPEARANCES:

RICHARD HECHT, Deputy District Attorney of Los Angeles County and SIDNEY TRAPP, Deputy District Attorney of Los Angeles County, representing the Office of the District Attorney.

JULIUS KOLINER, duly appointed and sworn as the Official Shorthand Reporter of the Grand Jury.

JULIUS KOLINER, C.S.R.
Official Court Reporter
Superior Court
Los Angeles, California
90012

56-1562-1

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LOS ANGELES, CALIFORNIA, MONDAY, AUGUST 16, 1971

10:05 A. M.

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(The Grand Jury Court Reporter, Julius Koliner, was sworn as follows:

THE FOREMAN: You do solemnly swear that you will correctly take in shorthand and correctly transcribe, to the best of your ability, all of the testimony given by each and every witness testifying in the matters now pending before this Grand Jury, and that you will keep secret and divulge to no one any of the proceedings of this Grand Jury, so help you God?

THE REPORTER: I do.)

THE FOREMAN: The Secretary will please call the roll.

(Thereupon, the Secretary complies.)

THE SECRETARY: There are 21 Grand Jurors present.

THE FOREMAN: I will read the Foreman's Statement.

The death of Senator Robert F. Kennedy in Los Angeles on June 6, 1968, triggered an investigation more comprehensive in scope than any other criminal case in the history of California.

An indictment charging Sirhan Bishara Sirhan with the murder of Senator Kennedy was returned by the 1968 Los Angeles County Grand Jury on June 7, 1968. From that moment on, the Superior Court, acting upon the recommendation

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of the District Attorney, meticulously sought to preserve the integrity of the original evidence in this case by issuing two separate court orders restricting access to the exhibits introduced during the Grand Jury presentation and during the subsequent trial.

The District Attorney has requested that he be given the opportunity to present certain evidence concerning the nature of those court orders and the extent to which they were complied with by members of the Los Angeles County Clerk's Office - the office which has acted, under the law, as the official custodian of such exhibits.

The District Attorney respectfully submits that this presentation may be of some assistance to the members of this Grand Jury in connection with its supervisory power over county officers as set forth in Penal Code 928.

Any member of the Grand Jury who has a state of mind in reference to this matter which will prevent him from acting impartially and without prejudice will now retire.

(Whereupon, no Grand Juror asked to be excused.)

THE FOREMAN: Our Deputy District Attorneys are Richard Hecht and Sidney Trapp.

Mr. Hecht, do you wish to amplify the statement that I have made?

MR. HECHT: Yes, if I may. I have an opening statement that I would like to read.

The assassination of Robert F. Kennedy was the third such killing within a relatively short period in our history, following shortly upon the heels of the murder of

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Martin Luther King and, going one step back further, the killing of President John Kennedy.

When Senator Kennedy was killed, Evelle Younger was the District Attorney of Los Angeles County; and he believed that regardless of how comprehensive the Los Angeles Police Department investigation would be, there would inevitably be persons with varying motives, good, bad and otherwise, who would either write a book or make a film urging that Senator Kennedy was killed as a result of a conspiratorial plot, and that Sirhan Sirhan was either a knowing and willing component of that conspiracy, or, in the alternative, a Manchurian candidate - a man who was programmed to murder without realizing the nature and extent of the forces that were controlling him.

In any event, because of this apprehension, and because of the desire to do the best job possible, and particularly in view of the criticism of the Warren Commission in connection with its report on the assassination of President John Kennedy, the investigation was, in fact, a very extensive one.

During the investigation, and after the trial had been concluded, it was the opinion of both the Los Angeles Police Department, and my office, that no responsible, credible, legally admissible evidence existed that Sirhan acted in concert with others. Yet, the simple making of such a statement invites attack, and puts the burden on the proponent to demonstrably prove a negative, which is often an impossible task.

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Well, as anticipated, the books have been written and the motion pictures have been produced which have condemned the investigating agencies for failing, either to uncover, or having uncovered, to publicly disclose the facts as seen through the eyes of these persons.

Yet, let me make it clear that aside from the fact that a great deal of money can be made by selling material which attracts public attention, this kind of criticism, regardless of whether it is responsible or irresponsible, is, in my opinion, a very healthy force since it reasserts pressure on all of the concerned agencies, including my own, to evaluate the validity of the conclusions which have previously been publicly announced. And I firmly believe that governmental agencies need be exposed to that kind of prodding in order to be reminded of their responsibility to make sure they have done the best job possible.

It should therefore come as no surprise to you when I tell you that there has always been a very low level of anxiety on the part of the concerned agencies insofar as the vexing question of whether Mr. Sirhan acted alone or not.

You will recall that the Los Angeles Police Department has consistently indicated that in the event that new evidence arises which indicates that he did not act alone, SUS, which stands for Special Unit Senator - the Task Force which served as the primary investigating unit in connection with the Sirhan case - will be immediately re-activated and the investigation pursued.

It was for this reason that from the very outset

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of the case, we were concerned with preserving the integrity of the evidence which had been gathered during the course of the investigation and ultimately introduced into evidence where it then came into the care, custody and control of the Los Angeles County Clerk's Office.

We were concerned with all of the evidence, but particularly the ballistics evidence - the bullets, the bullet fragments, the shells, the gun used by Sirhan - so that five or ten or twenty years from the day that evidence was introduced, it could be re-examined, if the need arose, to demonstrate the validity or the invalidity of the original investigation.

At the conclusion of the trial, a series of volumes covering the complete investigation was given to the Justice Department to be placed in their archives for subsequent review and evaluation.

We believe, as a result of our investigation into the care and handling of the exhibits by the Los Angeles County Clerk's Office, that this material is incomplete in that it does not reflect an accurate picture insofar as the present integrity of the evidence is concerned. Therefore, one reason for this Grand Jury presentation is to bring their records up to date through the vehicle of the testimony taken here during the next several days.

Another reason for this presentation results from our desire to perpetuate the testimony given here in the event that future indictments may become warranted.

Aside from the background material which I have

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just made reference to, the present investigation into the care and handling of the evidence in the Sirhan Sirhan case arose as a result of a recent letter sent by a local attorney to the Los Angeles City Civil Service Commission alleging that a Los Angeles Police Department ballistics expert had committed substantial error during the course of his testimony during the Sirhan case and in two other unrelated cases. As a result of this letter, a Board of Inquiry was created by the Chief of Police to look into the validity or invalidity of these allegations.

At the same time, we acted in order to reassure ourselves that the exhibits in the Sirhan case were still protected by the court orders that had been issued earlier. We are of the opinion that they have not been so protected.

As a result of the investigation into the allegations contained in the letter which I have just made reference to, the possibility exists that the Kennedy death weapon may have to be re-fired in order to confirm or deny the validity of some of these allegations. In the event that a court order is obtained to test-fire the gun which was used by Sirhan to kill Senator Kennedy, the testimony taken during this presentation will be critically important in evaluating the validity of the results of such a test.

I would like to make it as clear as possible that this presentation has been designed to focus solely on the integrity of the evidence while it has been in the custody of the Los Angeles County Clerk's Office. Every other aspect of the current investigations being conducted both by the Police

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Department and by the defendant is now, or soon will be, before the appropriate reviewing body, which is, of course, the California Supreme Court.

What, then, will be your options after hearing this presentation? (1) You may elect, after hearing the evidence, to do nothing, simply because what you have heard may, in your opinion, not warrant any recommendation or comment; (2) You may elect to issue a report within a reasonably short time after this presentation; or (3) You may elect to draft a report at the time you prepare your final year-end report.

THE FOREMAN: Thank you. You may proceed.

MR. HECHT: At this time I would like to have marked for identification 37 photographs which purport to be photographs which will be referred to in this proceeding as Exhibit Viewing Slips or Exhibit Review Slips.

THE FOREMAN: It will be so marked as Exhibits 1 through 37.

1 - 37 IDENT.

Also, I have a transcript of a meeting held in the chambers of Assistant Presiding Judge Charles A. Loring on Friday, May 16, 1969, at 1:30 P.M. I will ask that this transcript be marked Grand Jury Exhibit Number 38 for identification.

38 IDENT.

THE FOREMAN: It will be so marked.

MR. HECHT: At this time I would like to call Mr. John Howard, please.

(Thereupon, John E. Howard, is escorted into the Grand Jury Hearing Room by the Sergeant At Arms.)

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JOHN E. HOWARD,

called as a witness before the Grand Jury, was duly sworn as follows:

THE FOREMAN: You do solemnly swear that the evidence you shall give in this matter now pending before the Grand Jury of the County of Los Angeles shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

EXAMINATION

BY MR. HECHT:

Q Mr. Howard, what is your occupation, please?

A I am Chief Deputy District Attorney of Los Angeles County.

Q In connection with the matter of People versus Sirhan Bishara Sirhan, did you have some official connection with that particular prosecution?

A I was one of the Deputy District Attorneys assigned to the investigation and one of the Deputy District Attorneys assigned to the trial in connection with the matter.

That was together with the then Chief Deputy Lynn Buck Compton and now Judge David Fitts, who were also assigned to the investigation and trial.

Q Insofar as the investigation and trial of Sirhan Bishara Sirhan was concerned, did the District Attorney's Office treat that matter somewhat differently than

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they would the average case you normally come into contact with on a daily basis?

A Yes, it certainly was treated differently.

Q What was the reason for that, Mr. Howard?

A At the time of the assassination of Senator Kennedy, it was the third assassination of a national political figure occurring within a relatively short time; the first being the assassination in Dallas of President Kennedy, and then the subsequent killing of Harvey Lee Oswald followed by the investigation of the Warren Commission, which was concerned with the specter of some type of national conspiracy to effectuate a political action by some unified association.

The results of the Warren Commission together with the assassination at Atlanta of Dr. Luther King, which was the second assassination of a nationally known figure, and it was then followed by the assassination of Senator Robert Kennedy; it was then anticipated by the District Attorney and the members of his staff that there was always the possibility of some either real or involuntary attempt to connect the three cases together in order to arrive at a theory of conspiracy.

The investigation was to be thorough to determine if there was, in fact, merit as to the possibility of the conspiracy theory, either individually or connected with the other two.

Q Now, were any special investigative techniques used by virtue of the unique character of this case?

A Yes, I would say it was unique in the extent that

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the investigation went.

By that I mean, for example, everyone that could be located in the pantry area, where the assassination occurred -- everybody that could be located in the pantry area at the time of the assassination, we went through and tried to get in touch with them and take a statement from them.

That was done in cooperation with the Police Department. There was assigned as many as 45 detectives to a special unit that was concerned with the investigation and the actual control of all of the evidence.

Q Did that unit have a name?

A It was called the Special Unit, Assassination Investigation.

A security area was set up and all of the records were kept there.

Q Why did you investigate so many witnesses?

A There was a public dedication to review in depth every witness in the pantry area, and television cameras were used to locate the people who were present at the time of the assassination. As many as possible were identified from the television pictures because we had no list of the 100 or 125 people in the pantry area. We talked to everyone that we could locate. We asked them who was there and what they saw and what they knew about it. We located every person that we could, not only with the help of our investigators and the help of the Los Angeles Police Department, but also with the cooperation of the Federal Bureau of Investigation. We took statements of people that were just residents -- I mean just

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guests at the hotel and had gone back to their homes throughout the United States. We interviewed everyone we could. We found everyone that was in the pantry area. We found everyone in the hotel or nearby and statements were taken from all of these people.

Q Do you remember how many people were interviewed in the course of the investigation?

A My recollection is in the thousands, perhaps 4,000.

Q In connection with the actual trial itself, were any efforts made to introduce perhaps more evidence than would be introduced in the average criminal case in connection with turning over to the Court additional materials that could be used in the future for reference and things of that nature?

A At the conclusion of our case in chief, the prosecution, we introduced as a matter of record -- not for jury consideration and not for evidence in the trial itself, but my recollection is that there were 175 full statements of witnesses that had some knowledge or partial knowledge of the events at the Ambassador.

At the end of the case we put in an additional number of interviews and statements and reports of individuals. We did this for the reason that in any lawsuit it is necessary at some time to conclude the case. It was a long trial which took three or four months.

We called 160 witnesses that had some partial knowledge at the trial and we could have called all these other witnesses if we had wanted to.

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However, any lawsuit and particularly a jury trial has to be completed at some time. So we called the witnesses that could testify directly to the events that were involved.

We called the best witnesses of all the witnesses that we had, and as to these other witnesses from whom we had taken statements who had some partial knowledge of the events, we made those statements part of the record so that any one in the future could review those statements and see what they had to say and would not say to us, "Why didn't you call these witnesses?"

We made a calculated risk in that we called our best witnesses, the ones that knew the most and put the other statements in.

Q Did you anticipate during the course of the trial that there would be those who would be critical of the investigation or the prosecution in this case?

A Right. It seemed to us that with the background and a study of what had happened in the questioned articles in the Dallas case and at Atlanta, that there would seem to be an expected group or a small group of individuals that would attempt to, for whatever motive, to take apart this investigation or question its results.

Q Directing your attention now to the ballistics evidence that was introduced during the course of the trial, can you describe generally the nature of that evidence, Mr. Howard?

A Right; first of all the Grand Jury hearing was used

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as a background. The election was on June the 4th and the assassination took place in the early morning hours, which was the 5th of June.

We went to the Grand Jury as quickly as we could for security reasons.

By security reasons I mean, for the security of the defendant in custody because it was a custodial problem, and also for the security of the exhibits that we had at that point in time.

We had the gun, which was a .22 caliber revolver, Ivers & Johnson revolver.

We got the gun and whatever bullets or expended bullets were found around the pantry area as quickly as we could into the Grand Jury.

I believe we started with the Grand Jury on the 5th and the revolver was taken into evidence. We also had two live shells that were taken into evidence.

The gun was an eight-shot revolver and there were six casings inside, which indicated that there had been six bullets fired, so we had both the two live bullets from the gun and the six casings, as I recall.

At that time, we went to the Grand Jury, moving as quickly as we did at that time.

The autopsy had been performed on the Senator and I believe that taken from the body of the Senator there were two pieces of bullet fragments, .22 caliber bullet fragments from the head area of the Senator.

We had a spent bullet, a bullet that was found in

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the dead man, and I believe it was in the cervical vertebra of the Senator.

In addition we put into the Grand Jury certain test bullets.

To understand this course of the investigation, the criminalist was DeWayne Wolfer. In a regular fashion, when he received the gun and had taken out the bullets, the expended casings and the bullets, he then went to a water tank, loaded the gun, the death weapon, with mini-mags purchased from the same area where Sirhan had purchased his bullets.

They had the same numbers as close to similar bullets as we could get.

He fired the bullets into the water tank, these mini-mag bullets for future comparison.

At the time we went to the Grand Jury we had the bullets from the Senator, that I have indicated, and as I recall other individuals were shot by Sirhan and some of these bullets had been removed but they had not come to us from the bodies of the other victims for ballistic examination or comparisons.

So we did not have all the bullets from the other victims at that time.

We used the Senator's bullets. I believe there were three bullets, the two fragments of bullets and one complete bullet which was recovered in the cervical spine.

Mr. Wolfer fired these test bullets into the water tank and they were recovered. I believe that three of these

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test bullets were introduced into evidence, and four bullets were kept for future comparison when the other victims' bullets would show up.

That was approximately what we had as far as ballistics evidence at the Grand Jury. My recollection is that we had some other exhibits, for example, we have a box with mini-mags which was in a carton taken from his car, and I believe a receipt indicating the store from which the bullets were purchased.

We found out that Sirhan had purchased these relatively shortly before the assassination.

That is what we had at the time of the Grand Jury.

Q At the time of the trial, was there further ballistics evidence introduced?

A Yes, there was.

Q Explain what that was, sir.

A By the time of the trial the bullets taken from the other victims had, of course, caught up with the Crime Lab where they had been compared.

They had been compared to the test bullets, since we only put in three bullets before the Grand Jury and we had four test bullets for further comparison.

Those were kept in an area where it was restricted and only authorized people could have access to the exhibits.

We kept the test bullets. And, therefore, at the time of the trial they were used to compare the additional bullets and the fragments taken from a Mrs. Evans, a victim, a Mr. Stroll, another victim, a Mr. West, another victim, and

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a Mr. Paul Schrade and a Mr. Ira Goldstein, and they were all introduced as part of our case in chief.

Those were the bullets recovered from the other victims in the case.

From the very outset of the case and from the very beginning, from the very beginning of the investigation of the case, we were concerned with the preservation and the integrity of the physical evidence, not only by ourselves but by all other members of the staff.

From the time of the investigation we went into strict internal control in this special unit in order to insure the integrity of the evidence that was collected.

As I said, this special unit was set up and all the exhibits were kept under lock and key and there were only two individuals authorized to open the evidence locker and a log was kept to show when those lockers were opened and what pieces of evidence were examined and this was all done as part of our preparation in this case.

These precautions were taken to insure the integrity of the exhibits so that any time in the future we could show that the original evidence was kept intact and no changes were made in it, and also it became a question if there were any independent study, that we would be able to show that there was proper identification for all the exhibits that we had obtained.

When the Indictment against Mr. Sirhan was returned by the 1968 Los Angeles County Grand Jury, which was presented in Department 100, before Judge Alarcon, at that time

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I was present and Judge Alarcon entered into a restrictive order in connection with access to the exhibits.

Q That was done before the actual trial commenced?

A Yes, at the time the Indictment was returned to Judge Alarcon.

Q At that time he made an order restricting access to the exhibits, is that correct?

A Yes, that's correct.

Q And during the trial, did you have any conference with any representatives of the Clerk's Office in connection with continuing your efforts to insure the integrity of the exhibits and the manner in which they were kept?

A We had conferences with the Court, with Judge Walker and with representatives of the Clerk's Office.

Ground rules were laid down.

During the trial itself there was a special locked cabinet provided and control of that was in the Court Clerk and that was while the trial was actually pending.

The conclusion of the trial, my recollection is, about the middle of May, 1969, a series of conferences, informal conferences, were held which culminated in a formal conference in the presiding judge's chambers to discuss future continued control of the exhibits.

Q Do you recall at the present time who was the representative of the Clerk's Office, who participated with you during these continuing conferences?

A Normally my recollection is that Mr. Talmachoff -- on some occasions Mr. Talmachoff and Mr. Emory Hatcher.

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I believe I recall one where Mr. Sharp was present.

Q In any event, did you obtain from Judge Walker in connection with the case certain directions as to how the original exhibits were to be kept?

A Yes; after all the series of conferences, it was decided that a court order would be made, that it would be drawn with specificity for all time and it would provide for the continuing control of the exhibits.

I recall it was drawn. I believe it was executed on or about May 20, 1969.

At this point in time, as I recall, it was thought there might be new judges coming in as Judge Walker was to retire, and this was done as a matter of precaution.

Q Subsequent to the time that Judge Walker's Court Order was issued were any members of your staff ever given any notice that certain persons from the public domain were actually viewing the original exhibits on the 4th Floor of the Clerk's Office premises?

A No, sir.

Q When did you first become aware that such viewings had taken place?

A When this investigation originated, and shortly thereafter, possibly the first part of June of this year.

Q What were the circumstances that brought that fact to your attention, do you recall briefly?

A Yes, the District Attorney, Joseph Busch, had asked for an investigation. We had briefed the District

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Attorney that there had been restrictive court orders and that the exhibits were, therefore, being adequately protected.

At that time I went to determine what controls had been placed on the exhibits, and I learned that they had been transferred from the Clerk's Office to the Supreme Court. The appeal is automatic to the California Supreme Court, and by this time the appeal had advanced to the point that the Supreme Court desired to see the exhibits and the exhibits were sent to the Supreme Court.

I realized that there was a Court Order and I just wanted to make sure what the security was on the other side of the counter before they had gone to the Supreme Court.

I believe at that time Mr. Hecht, of our staff, briefed me on this matter for the first time.

I went downstairs to talk to Mr. Talmachoff and I heard from Mr. Hecht that perhaps there had been a failure to follow the procedures that I thought were in fact being followed.

Q When was this in time?

A I would say in June of this year.

Our department's investigation had come into effect.

Q Going back to the time that Judge Walker had made his order, from that time forward, had any representative of the County Clerk's Office ever asked you for an independent investigation or an explanation of Judge Walker's Court Order?

A No, sir.

Q Did any member of the Clerk's Office ever request

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permission to show original exhibits to members of the public or representatives of the defense?

A No, not of me or the staff.

Q In connection with your recollection of the ballistics evidence and the bullets and so forth allegedly used in Mr. Sirhan's gun, are we talking about a .22 caliber long rifle bullet, sir?

A Right.

That had a technical name. I think it was referred to officially as a mini-mag, describing some characteristic of the bullet which is somewhat different from the typical .22 slug.

Q Based on your knowledge of the case, was that a copper-coated bullet?

A They were.

Q Is it possible, Mr. Howard, that when the gun was taken from Mr. Sirhan in the pantry, there were eight shells in the gun and two live rounds on his person, touching upon your present recollection?

A Eight live rounds?

Q Yes.

A That is probable. There are eight shells in the gun.

Q There were eight shells in the gun and two live rounds that were found on Mr. Sirhan?

A My recollection is one expended shell and two upon his person.

MR. HECHT: I have nothing further of this witness.

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THE FOREMAN: Any questions to be directed to this witness by any member of the Grand Jury? If so, please write them out and they will be directed to the witness through the Deputy District Attorney.

Apparently not.

Mr. Howard, I need not admonish you as to the need for secrecy as to this Grand Jury proceeding, sir.

MR. HOWARD: Indeed you do not.

THE FOREMAN: Thank you, sir, for coming in.

(Thereupon, the witness, Mr. Howard, was then escorted from the Grand Jury Hearing Room by the Sergeant At Arms.)

MR. HECHT: Judge Alarcon, please.

(Thereupon, the witness, Judge Arthur Alarcon, was then escorted into the Grand Jury Hearing Room by the Sergeant At Arms.)

ARTHUR L. ALARCON,

called as a witness before the Grand Jury, was duly sworn as follows:

THE FOREMAN: You do solemnly swear that the evidence you shall give in this matter now pending before the Grand Jury of the County of Los Angeles shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

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EXAMINATION

BY MR. HECHT:

Q Judge Alarcon, you are a Judge of the Superior Court of the County of Los Angeles?

A Yes, sir.

Q Did you in 1968 have any official connection with the returning of the Indictment in connection with the Sirhan Bishara Sirhan case?

A Yes, I did.

Q What was that connection, sir?

A On, I believe it was, June the 7th of the year 1968, I was the Acting Presiding Judge of the Los Angeles Criminal Division of the Superior Court, and that was the day on which the Grand Jury for that year returned the Indictment in the Sirhan matter.

So I was the Judge who accepted the Indictment, having determined that it was a true bill.

Your Honor, I have here what purports to be the District Attorney's copy of the transcript and this is Volume I of the People versus Sirhan Bishara Sirhan case, and I would invite your attention to Page A-1 of the transcript which at the top indicates:

"Los Angeles, California, Friday, June 7, 1968, 4:25 P.M."

Would you examine these pages, please, and tell me if they appear to represent the proceedings at the time the Indictment was returned in court?

A Yes, I will.

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(The witness complies with counsel's request, and examines the exhibit.)

Q Do you recognize, your Honor, the proceedings that occurred in your court?

A Yes; I've almost finished reading it, but up to this point they are the proceedings that occurred.

May I have just a moment?

Q Yes, sir.

A (The witness continues reading the exhibit.)

Yes, I have completed the reading from portions of the transcription that you have shown me.

Q Let me call your attention to Page A-8, your Honor --

A Yes.

Q Have you read through Pages A-8 and A-9 in this transcription that I have shown you?

A Yes, I have.

#2 Q Will you please read, starting on Line 5, from that page until I tell you to stop.

A Yes.

(Reading:)

"First, the record will show that Mr. Peter Talmachoff, Chief of the Criminal Division of the Office of the Clerk of the Superior Court, is present in the courtroom. And, further, that Donald Ostrov, the Official Court Reporter for tne 1968 Los Angeles County Grand Jury is also present.

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"I herewith will read the written orders which, upon their being read by the Court, will be served by the Sheriff upon the individual or offices in question.

"It is the Order of the Court that upon presentation of the Reporter's Transcript of the Grand Jury Proceedings to the Clerk of the Court that the Clerk shall receive said transcript and keep secret the contents thereof until after service of a copy of said Reporter's Transcript has been made on the defendant or his attorney.

"It is further ordered that the original Reporter's Transcript of the Grand Jury Proceedings will be served by the Clerk on the District Attorney, and that the District Attorney also will keep secret the contents of said transcript until after service has been made on the defendant or his attorney.

"It is the Order of this Court that the exhibits received by the Grand Jury in its proceeding concerning this Indictment will be delivered to the Clerk of the Court and will be safeguarded by him pending the determination of this case.

"It is further Ordered that the Clerk shall not make the exhibits available to any person or agency except upon Order of this Court.

"This Order and the previous one, dated June 7, 1968, signed Arthur L. Alarcon, Judge of the Superior Court."

Q That was, in fact, your Court Order?

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A Yes, it was.

Q I notice that the Court Order can be said to be divided into two parts.

One is with respect to maintaining the secrecy of the proceedings of the Grand Jury, the testimony taken at the Grand Jury; and the other in connection with the exhibits.

Am I interpreting that correctly?

A Yes, sir.

Q Can you explain the circumstances leading up to the promulgation of this specific Court Order?

A Basically I was concerned with the problem of a fair trial in view of the enormous publicity which occurred as a result of the assassination of Robert Kennedy.

So my primary concern was to protect and insulate everything in connection with the proceedings so that there would not be a later reversal, based upon the ground of excessive or pervasive publicity.

For that reason I took steps immediately upon the accepting of the Indictment to try to protect the case from publicity, and also to take corrective measures, of what I believed to be abuses up to that point.

Q In connection with your Order safeguarding the exhibits, what was your purpose in doing that?

A Again to make sure that nothing interfered with the fairness of the proceedings and to avoid either the release of the exhibits for exploitation for publicity purposes, or to prevent any kind of tampering which might result in anything other than a fair trial.

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Q Now, your Honor, you had become aware that a subsequent Court Order was issued at the end of the trial by Judge Walker in connection with, among other things, the handling and sealing of the exhibits except to attorneys of record or by those having a Court Order?

A Only by reading the newspapers.

Q Assuming for the purpose of my question, such a Court Order was entered into by Judge Walker, between the time you entered your Court Order and the end of the actual trial in the Sirhan Bishara Sirhan case, did anyone seek to have you modify or vary the terms of your Court Order that you have read to us in these proceedings?

A Yes.

Q Under what circumstances?

A Many representatives of the news media and also the District Attorney's Office of the County of Los Angeles sought to have the Court Order modified.

Q Did you, in fact, modify the Court Order, insofar as it pertained to the sealing of the exhibits?

A No, I did not.

Q To clarify the record, in this particular case that would be the District Attorney, and representatives of the media sought to have you vary or modify the Court Order, and do you know whether that was in regard to the publicity aspects?

A Well, I would assume so.

Q Did any representative of the Los Angeles County District Attorney's Office ever ask you for any explanation or

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interpretation or variation of that part of the Court Order dealing with the sealing of the exhibits?

A Your question is so broad that I may not be totally responsive. I may be volunteering something.

I know after the Order was promulgated and signed by me and read into the record, I was not requested by the County Clerk or any representative of the County Clerk's Office to modify, vary, change or explain the Order.

The Order was drafted with the cooperation and prior discussion with Mr. Peter Talmachoff of the County Clerk's Office.

Q I don't understand that, your Honor; could you amplify that for us?

A Well, I was assigned to handle the proceedings for Friday, June 7th, on Wednesday, June 5th.

In preparing for the problems that I felt were to be implicit in the Sirhan trial, one of the problems I was concerned with was publicity. The other problem I was concerned with, and it's related to the question of publicity, is any handling or tampering or exploitation of the exhibits.

So following the mandate of the United States Supreme Court with reference to fair trials and the problem that is posed by the First Amendment, where we have a free press, I undertook, starting Wednesday, June 5, to write a series of orders which were to try to put some teeth into protecting the case from the excessive publicity or a mishandling of the exhibits in any way.

In so doing I drafted an order with reference to

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all parties and then I drafted orders directly to the Court Reporter, the County Clerk's Office and other persons.

Insofar as the Order, with reference to the Clerk's Office, I called upon Mr. Peter Talmachoff who came to my chambers. I told him I contemplated sealing up and putting a veil of secrecy over everything in connection with the Sirhan case and that I had jurisdiction to do so, and a large part had to do with his office and I drafted something which I showed him and asked him if that was broad enough to give complete protection and secrecy and security to the matters which were within his office.

After discussing with him, I wrote the final draft.

MR. HECHT: I have no further questions.

THE FOREMAN: Any further questions to be directed to the witness by any member of the Grand Jury? If so, please write them out and they will be directed to the witness through the Deputy District Attorney.

Apparently not.

Thank you, your Honor, for coming in.

(Thereupon, the witness, Judge Arthur L. Alarcon, was escorted from the Grand Jury Hearing Room by the Sergeant At Arms.)

MR. HECHT: Judge Walker, please.

(Thereupon, the witness, Judge Herbert V. Walker, was then escorted into the Grand Jury Hearing Room by the Sergeant At Arms.)

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HERBERT V. WALKER,

called as a witness before the Grand Jury, was duly sworn as follows:

THE FOREMAN: You do solemnly swear that the evidence you shall give in this matter now pending before the Grand Jury of the County of Los Angeles shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

EXAMINATION

BY MR. HECHT:

Q Judge Walker, I know you had a very important official connection with the Sirhan case.

Would you state what that connection was?

A I was the Judge.

Q At the conclusion of the case, and more specifically, on Friday, May 16, 1969, was there a conference held in the chambers of the Assistant Presiding Judge, Charles A. Loring, which you attended?

A Yes, sir.

Q Have you ever seen a copy of the transcript of those proceedings?

A Yes, I have.

Q I would like to call your attention to Grand Jury Exhibit Number 38 for identification, and ask you to take a look at that and tell me if that appears to be a transcript of those proceedings?

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A I would assume that you have had this authenticated?

Q Yes, we have.

A Well, as to your first question, I have seen it. I assume it is a copy of those proceedings and I would assume that it is so because, as you said, you have had it authenticated.

Q What was the purpose of the conference held in Judge Loring's chambers on the date indicated?

A Well, it had many purposes. You know, I'm getting to be an old man and my memory is not as good as it should be.

I believe the main purpose was to determine --

I don't mean to insult anybody whose age is over 70 -- but the principal purpose was to make a determination with respect to the disposition and care of the exhibits that were introduced in the trial.

Q To that extent there were a number of statements in that transcript reflecting your concern and Judge Loring's concern?

A That's correct.

MR. HECHT: Mr. Foreman, I have here a document which at this time I would like to mark as Grand Jury Exhibit Number 40 for identification.

I believe I'm skipping a number, but I would like to have it marked that number at this time.

This purports to be a copy of an Order issued by the Honorable Herbert V. Walker, Judge of the Superior Court of the County of Los Angeles entitled, "Order Governing the

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Inspection and Reproduction of Exhibits."

Would you examine that Order and tell me if that appears to be familiar to you?

A Yes, it is.

Q Was that, in fact, the Court Order you issued, your Honor?

A Yes, it was.

Q Your Honor, bearing in mind that in this transcript that you have just identified as Grand Jury Exhibit Number 38 for identification, that a number of statements were made on that date, such as, for instance, one of them made by you, "Well, we won't have any viewing of the original exhibits except to attorneys of record", and there may be other statements in that transcript expressing the same thought, and having that in mind you issued the Court Order a few days later which authorized only attorneys of record or those obtaining Court Orders to have access to the exhibits, let me ask you the following question:

Assuming that a man who is a person who had no official connection with the Sirhan case either before, during or after the trial, after the termination of the trial went to one of the attorneys handling their appeal and asked for and received a letter addressed to Mr. Robert Sours, who I represent to you is the Assistant Chief of the Criminal Division of the Clerk's Office, and said letter read as follows:

"Dear Mr. Sours:

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"As the duly obtained attorneys of record for Sirhan Bishara Sirhan in the case of the People of the State of California, Plaintiff and Respondent, versus Sirhan Bishara Sirhan, Defendant and Appellant, Case Number 14026 in the Supreme Court of the State of California (Superior Court Number A-233,421), we hereby authorize and request that you permit our representative and expert witness, William W. Harper, to see, examine, inspect and, where necessary, make copies of or from each and all and every exhibit in the above-entitled case in your custody and possession, whether the said exhibit was received in evidence, marked for identification only or rejected and especially, but not limited to, the following exhibits:

"Numbers 52;

"52-A;

"53;

"(The exhibit, however it may be numbered, which consists of the fragments of the bullets depicted in Exhibit 53);

"62;

"63;

"64;

"64-A;

"64-B;

"81;

"82;

"78.

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"Thank you for your courtesy in this matter.

"Sincerely yours,

"George E. Shibley, Luke McKissack and Abdeen Jabara

"(Signed) George E. Shibley,

"Attorneys for Defendant and Appellant."

Assume further that Mr. Harper was not employed by or formally retained in any way by any of the attorneys, but by showing this letter to members of the Los Angeles County Clerk's Office, and he was at that time given virtually unlimited access to the original exhibits, the ballistics evidence, the bullets, the bullet fragments, and that on a number of occasions he brought with him to the Clerk's Office other persons, as many as three or four persons in his party, who also had the opportunity to see and inspect and to handle the original ballistics evidence; did you intend such person to be given unlimited access to the original exhibits in your Court Order?

A Well, your question is quite lengthy and I want to be sure.

This man was not employed by the attorneys of record in the trial or the attorneys of record on appeal; is that right?

Q He was not employed or retained by or paid by --

A I don't care whether he was paid or not. It's a question of whether he had been retained as an employee by either of those two classes of attorney.

Q To my knowledge, he had not been employed by them.

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Office ever call upon you for an explanation or interpretation, or whatever, of the Court's Order which you issued?

A No, they did not.

MR. HECHT: I have nothing further.

THE WITNESS: I might explain to you -- may I volunteer?

BY MR. HECHT:

Q Please do.

A After August 1969 I was not in court. I had a heart attack on July 30th and I've never been to court since.

MR. HECHT: Thank you, your Honor.

I have nothing further.

THE FOREMAN: Any questions to be directed to his Honor by any members of the Grand Jury? If so, please write them out and they will be directed to the witness through the Deputy District Attorney.

Apparently not.

I'm sure I need not explain to you the need for secrecy of your testimony before this body, your Honor.

THE WITNESS: No, you need not.

THE FOREMAN: Thank you for coming in.

(Thereupon, the witness, Judge Herbert V. Walker, was then escorted from the Grand Jury Hearing Room by the Sergeant At Arms.)

MR. HECHT: Mrs. Joyce Shannon.

(Thereupon, the witness, Joyce M. Shannon, was then escorted into the Grand Jury Hearing Room by the Sergeant At Arms.)

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JOYCE M. SHANNON,

called as a witness before the Grand Jury, was duly sworn as follows:

THE FOREMAN: You do solemnly swear that the evidence you shall give in this matter now pending before the Grand Jury of the County of Los Angeles shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

EXAMINATION

BY MR. HECHT:

Q Is it Miss or Mrs.?

A Mrs.

Q Thank you.

Mrs. Shannon, would you state for the record your business or your occupation?

A I am Secretary to the Grand Jury.

Q How long have you occupied that position?

A Two years.

Q In that capacity do you have access to and do you have custody of the official records of the Los Angeles County Grand Jury?

A Yes, I do.

Q Did I ask you to bring with you several documents to this presentation?

A Yes, you did.

Q Did you bring those with you, ma'am?

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A Yes, I did.

MR. HECHT: May I have one moment, please?

THE FOREMAN: Surely.

BY MR. HECHT:

Q Did you bring with you a portion of the 1968 Grand Jury Report insofar as it relates to the County Clerk's Office?

A Yes, I did.

Q Did you also bring with you what purports to be a response from the County Clerk's Office to that Grand Jury Report?

A Yes, I did.

MR. HECHT: With your p rmission, Mr. Foreman, I would like to first mark the Grand Jury Report as Exhibit Number 41 for identification at this time.

THE FOREMAN: It will be so marked.

MR. HECHT: I would like to have the response marked as Grand Jury Exhibit Number 42 at this time.

42 id.

THE FOREMAN: It will be so marked.

MR. HECHT: I have no further questions of this witness.

THE FOREMAN: Are there any other questions to be directed to this witness by any member of the Grand Jury? If so, please write them out and they will be directed to the witness through the Deputy District Attorney.

Apparently not.

I'm sure I don't have to instruct you as to the necessity for the secrecy of the Grand Jury.

(Ther upon, the witness, Joyce M. Shannon, was then

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escorted from the Grand Jury Hearing Room by the Sergeant At Arms.)

MR. HECHT: Judge Fitts, please.

(Thereupon, the witness, David N. Fitts, was then escorted into the Grand Jury Hearing Room by the Sergeant At Arms.)

DAVID N. FITTS,

called as a witness before the Grand Jury, was duly sworn as follows:

THE FOREMAN: You do solemnly swear that the evidence you shall give in this matter now pending before the Grand Jury of the County of Los Angeles shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

EXAMINATION

BY MR. HECHT:

Q Judge Fitts, would you please state your present occupation?

A Judge of the Superior Court of the County of Los Angeles.

Q Directing your attention to the case of the People versus Sirhan Bishara Sirhan, did you have an official connection with that case, either in the investigation or prosecution?

A Yes, I did.

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Q What was that official connection?

A I was one of the Deputy District Attorneys assigned to the case.

Q Do you recall, your Honor, being present in the chambers of Judge Loring, after the guilty verdict and the penalty verdict had been returned in the Sirhan case?

A Vaguely.

Q I will direct your attention to Grand Jury Exhibit Number 38, which purports to be the transcript of such a meeting, and you will notice on the first page thereof a list of the people who attended the meeting.

A That is on the front page of the transcript?

Q Yes.

A I see I was present.

Do you want me to peruse this with some particularity?

Q I just wanted to invite your attention to the fact that such a conference did take place and that you were one of the participants and perhaps that might refresh your recollection that such a meeting did occur and that you were present.

A Well, such a meeting did occur and I was present.

I must confess that at the present time my recollection is rather hazy as to what went on at that meeting.

Q My records reflect that the guilty verdict in the Sirhan case was returned on April 17, 1969, and the penalty verdict was returned on April 23, 1969, which means the

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meeting in Judge Loring's chambers took place after both those verdicts were returned.

Is that in accord with your recollection?

A If it is a matter of record, it must be so, but I don't recall it. I do not have any present recollection.

Q Assuming for the moment that my records are correct, at the time that the meeting took place in Judge Loring's chambers, having in mind that it was after the penalty verdict had been returned would all the exhibits that had been introduced during the course of the trial be then turned over to a representative of the Los Angeles County Clerk's Office?

A I would assume so.

Q Do you recall Judge Walker issued a Court Order several days after this meeting in Judge Loring's chambers in connection with the Sirhan case in an effort to preserve the integrity of, and to safeguard, the exhibits in the Sirhan case?

A I know such an order was issued.

Q From the date such an order was issued which was on May 20, 1969, up until the present time, has any representative of the Los Angeles County Clerk's Office ever asked you for an interpretation or a variance or a clarification of Judge Walker's Court Order?

A No, they have not.

Q Your Honor, I want to show you, if I may, what has been marked as Grand Jury Exhibit Number 31 for identification, which is a photograph of what purports to be an Exhibit Viewing Slip, though I may state that we haven't established

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the foundation as to what the slips are.

However, if I may just state, this is an Exhibit Viewing Slip, and it is filled out by the person who goes down to the Clerk's Office and wants to see an item that the Clerk has in his custody.

Do you recognize this Exhibit Viewing Slip?

A It bears my writing -- my printing.

Q Do you recall going down to the Clerk's Office and filling it out on the date indicated there?

A What date is that?

Q The date is written there 1-31, and the year is not written.

Do you have any recollection in regard to this Exhibit Viewing Slip?

A I have a recollection on one occasion when I went down to view an exhibit I recall that I was in the company of Sergeant Collins of the Los Angeles Police Department who was assisting us in the case and my recollection of the event is somewhat better now because Sergeant Collins reminded me of this situation approximately a month ago.

I went down to see an exhibit with him. I identified myself and was denied admittance and I went back up to the 8th Floor and talked to Alice Nishikawa who was the Court Clerk, and the matter was straightened out, and I did get to see the exhibit.

Q Do you recall what exhibit it was you saw after the matter was straightened out?

A I have no present recollection at all.

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Q So the matter is perfectly clear, you were at the time the Deputy District Attorney or one of the Deputy District Attorneys in charge of this case, and you went down to the 4th Floor with Sergeant Collins, is that correct?

A Yes; I was one of the Deputy District Attorneys assigned to the case, and the trial was in progress at that time.

Q Your Honor, is there anything on that exhibit, that photograph of the exhibit that can assist you in any way in recalling whether you actually did receive an exhibit, or what exhibit number it was you saw, if you did see an exhibit on that occasion?

A No way.

MR. HECHT: I have nothing further of this witness.

THE WITNESS: I'm sorry that I cannot be of any help on this.

All I remember on this is that for some reason I wanted to see one of the exhibits and that Sergeant Collins went down with me.

At the present time I have no recollection as to what exhibit it was and what was the purpose I went down there for.

MR. HECHT: Thank you, your Honor.

I have no further questions of this witness.

THE FOREMAN: Are there any questions to be directed to this witness? If so, please write them out and they will be directed to the witness through the Deputy District Attorney.

Apparently not.

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Thank you very much for coming in, your Honor.

I'm sure I need not explain to you or give you the admonition as to secrecy of your testimony before the Grand Jury.

THE WITNESS: I am perfectly familiar with it.

THE FOREMAN: I'm sure you are.

Thank you for coming in.

(Thereupon, the witness, David N. Fitts, was then escorted from the Grand Jury Hearing Room by the Sergeant At Arms.)

THE FOREMAN: Let us take a short recess.

(Short recess.)

THE FOREMAN: Let the record show that the Grand Jury has reassembled, and the same Grand Jurors who were present at the inception of this proceeding are now present for further proceedings in this matter.

You may proceed, Mr. Hecht.

MR. HECHT: Mr. Wynbrandt, please.

(Thereupon, the witness, Fred H. Wynbrandt, was then escorted into the Grand Jury Hearing Room by the Sergeant At Arms.)

FRED H. WYNBRANDT,

called as a witness before the Grand Jury, was duly sworn as follows:

THE FOREMAN: You do solemnly swear that the evidence you shall give in this matter now pending before the Grand

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Jury of the County of Los Angeles shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

EXAMINATION

BY MR. HECHT:

Q Mr. Wynbrandt, what is your business or occupation, please?

A I am a Supervising Criminalist, employed by the California Department of Justice.

Q What are your job responsibilities in that regard?

A My responsibilities are to perform the analysis connected with physical evidence in criminal cases.

That includes such things as arson cases, firearms identification, narcotics identification -- any type of analysis of physical evidence, which may be presented in court.

Q Does your work include ballistics, examination and comparison of firearms and the bullets?

A Yes, it does.

Q Can you tell us what background and training you have had in the field of ballistics examinations and comparisons?

A I have been employed by the Department of Criminal Justice in the Bureau at Sacramento for approximately eight years.

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During this period of time I've spent a great deal of time examining firearms and bullets of all types.

Prior to this I was employed by the County of Orange, as a toxicologist for three years. My work was predominantly analyses of biologicals or poisons.

Prior to this time I was employed by the County of Imperial for a period of one year as a criminalist.

§3 I have a Bachelor of Science Degree from the University of Southern California, School of Criminology, with a Major in Criminalistics.

I have taken graduate courses at UCLA and the University of San Francisco in San Francisco.

Q Have you qualified in both the Municipal and Superior Courts of this State as a ballistics expert in the past?

A Yes, I have.

Q So that we can be clear about your relation to the Sirhan prosecution, did you, in fact, have any official connection with that investigation or prosecution?

A No, sir.

Q We will please focus now, if I may, on an item called a .22 caliber rifle bullet.

What is the basic composition of such a bullet, Mr. Wynbrandt?

A Lead.

Q And with the composition of that kind of bullet, is it considered soft or hard?

A Soft.

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Q Can you take a .22 caliber rifle bullet and by holding your hand press your nail into its surface?

A Yes.

Q Are you familiar with what is called CCI bullets?

A Yes, I am.

Q What is a CCI bullet?

A That is a bullet manufactured by the Cascade Cartridge Industries.

Q Does the CCI bullet have any particular composition, either by caliber or composition?

A No, it's just the name of the manufacturer.

Q Does that manufacturer, to your knowledge, manufacture .22 caliber bullets?

A Yes, they do.

Q Are you familiar with the term "mini-mag"?

A Yes, I am.

Q What does that mean?

A It's a trade name which is used by Cascade Cartridge to describe their bullet. It's sort of a catch name. They call it a mini-mag.

It just refers to their .22 cartridge.

Q What is the basic composition of the .22 CCI cartridge?

A Lead.

Q Does it appear to be a copper or brass bullet?

A Well, generally they are copper coated. They have a copper coating.

Q How thick is the coating on the surface of the

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bullet?

A Somehweres from 1,000ths to 10,000ths of an inch.

Q Can you take that coated bullet in your hand and make a mark with your fingers?

A Yes, you can.

Q In other words, the coating doesn't affect the hardness of the bullet?

A Well, it makes it a little bit harder, but not very much.

Q How are bullets identified as having been fired from a particular weapon?

A When a bullet is fired, it is sent forward by the force of the explosion and goes down the barrel. The barrel contains lands and grooves, as we call it, to impart to the bullet torque or twist. That is what gives the bullet its stability in flight.

Now, in giving to the bullet this torque or twist, the grooves and lands -- well, it is really what we term the lands, they leave impressions on the bullet, they leave these impressions on the bullet as the bullet travels through the barrel and by microscopic examination you can see these striations or markings which have been left on the bullet by its passage through the lands of the barrel and those are the marks that are used to make the identification.

Q Are these marks distinctive from one gun to another?

A Yes, they are.

These marks are made because of the manufacture

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of the gun and the imperfections on the surface of the barrel.

Basically guns of the same model or made by the same manufacturer will produce the same type of striations but these striations will vary from weapon to weapon because of the inherent variation in the manufacturing process.

In addition we find that overall newly manufactured weaons leave fine striations, whereas old, worn-out, weapons or poorly manufactured weapons leave very gross markings.

Q In this case, the Sirhan case, we have had testimony that Exhibit 6 is a .22 caliber revolver and through that revolver there were three bullets fired.

Would the firing of those three bullets through that gun leave microscopic striations which would be produced on the surface of the soft lead bullet?

A Yes, they would.

Q Can those striation marks upon which you based identification, can those striation marks be removed from the .22 caliber bullet surface by either improper handling or improper care?

A Yes; if they were rubbed together or even rubbed strenuously with the fingers, those striation marks could be caused to disappear.

Q Could the striation marks of a .22 caliber bullet be altered by storage?

A Well, it would depend on the circumstances.

Q Under what circumstances?

A Under the circumstances we term oxidation, that is

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actually the surface of the bullet is oxidized.

Oxidation is a destructive process and that oxidation could remove those striation marks.

Also the striation marks could be destroyed by either the handling or the rubbing of such bullets with the fingers.

Q How could that be done?

A You can actually take and rub the bullets, and rub it sufficiently, you could alter and remove all of the striations to some degree.

Q How about dropping or rubbing two bullets together or hitting the bullet against an abrasive surface?

A Well, certainly, if you continued doing that, I think the striation marks would certainly be removed.

Remember that this is soft lead and it really wouldn't take much effort to put new impressions on the soft lead and remove the old ones.

You can alter and change the striation mark with almost any type of abusive handling.

Q How about continuous handling? Could, perhaps, some corrosive material from the hand be attached or deposited on the bullet? Would that in any way alter the striation marks?

A Yes, aside from the handling in general, the moisture from the hand could bring about oxidation. First of all, if you handle it, you could rub away and alter the striations in that manner.

Secondly, by handling it, the moisture of the hand

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could go on to bring about oxidation and thereby affect the striations in that manner.

Q As I understand your testimony, if you take a bullet and rub it sufficiently, it would alter the striation marks?

A That is true.

Q Now, how about the gun? Can the surface of the barrel of the weapon -- would you first explain to us what the barrel is?

A The barrel is a long part through which the bullet passes and comes out at the end.

Q That is the surface of the weapon which produces the striation marks on the bullet?

A Yes, that's correct.

Q Can the surface of that weapon be changed in any way?

A We have oxidation which is commonly referred to as rust. Moisture gets into the barrel and the rust then removes or causes the surface coating to change.

In other words, suppose you fire a bullet through a gun, and then you leave the gun out some place where moisture gets into it and that moisture will result in oxidation of the inside of the barrel. So then when you fire another bullet through that gun, the striation marks will be altered from the time you first fired it.

Q Mr. Wynbrandt, if you take a moist rag and push it through the barrel of the weapon what effect would that have?

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A That is when oxidation would start taking place and change the surface of the barrel and subsequently the striation marks of the bullet that was fired through that barrel.

Q Could you take a steel brush or a hard brush and repeatedly rub down a barrel?

A Yes.

Q What effect would that have?

A That would have the same effect and remove the striation marks.

Q What would be the effect on the striation mark surface of the barrel when you use a brush with steel wool?

A I would think that would produce changes even more quickly because it would have more of a cutting surface and it would alter the striation marks more quickly.

Q Are there other ways of changing the striation marks produced by the surfaces of a barrel that we have discussed here?

A Yes.

Q Could that alteration of striation marks result in a bullet losing its identifying features which it has in such a manner as to preclude a comparison for identification?

A Yes, it could.

MR. HECHT: I have no further questions.

THE FOREMAN: Are there any questions to be directed to this witness by any member of the Grand Jury? If so, please write them out and they will be directed to the witness through the Deputy District Attorney.

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BY MR. HECHT:

Q One of the Grand Jurors would like to know how long it would take to remove striations from a bullet with fingers rubbing, or with a cloth?

A If the striations were fine, it wouldn't take very long.

Those are very fine markings and the best way to illustrate that is perhaps the way we fire our test bullets, at the Bureau.

We fire them in water as opposed to cotton boxes, the reason being the cotton tends to polish the bullet and remove the striation marks through that one short passage and one stroke through the cotton.

Q I think that has been referred to when you touched upon the question as to what happens when the gun is shot in a tank of water.

What happens to the bullet insofar as the striation markings are concerned?

A Little, if anything.

Q Is that one of the most common techniques in recovering a bullet from a test firing?

A Yes, it is, because the water doesn't affect the striation marks on the bullet.

Q Then, that is an acceptable technique?

A Yes, it certainly is.

Q You have referred to the possibility of removing the striation marks from the barrel of a gun.

In the cleaning of weapons, doesn't one use

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certain cleaning brushes that are prepared for those purposes?

A Yes, but those are normally soft brass and will not damage the barrel.

Q They are specifically designed for that purpose?

A Yes; they are designed for that purpose, among other things.

Q One of the Grand Jurors would like to know the answer to the following question.

In addition to the usual wound made by a bullet, would the copper coating of the mini-mag be poisonous in any way to the individual who sustained a bullet wound from such a weapon?

A No, I don't think so.

MR. HECHT: That is all.

THE FOREMAN: Any further questions to be directed to this witness?

Apparently not.

I'd like to caution you not to discuss or impart at any time, outside of this jury room, the questions that were asked of you in regard to this matter, or your answers, until authorized by this Grand Jury or the Court to discuss or impart such matters.

You will understand that a violation of these instructions on your part may be the basis for a charge against you of contempt of court.

Do you understand that?

THE WITNESS: I do.

(Thereupon, the witness, Fred H. Wynbrandt, was then

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escorted from the Grand Jury Hearing Room-by the Sergeant At Arms.)

MR. HECHT: Mr. Sharp, please.

(Thereupon, the witness, William G. Sharp, was then escorted into the Grand Jury Hearing Room by the Sergeant At Arms.)

WILLIAM G. SHARP,

called as a witness before the Grand Jury, was duly sworn as follows:

THE FOREMAN: You do solemnly swear that the evidence you shall give in this matter now pending before the Grand Jury of the County of Los Angeles shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

EXAMINATION

BY MR. HECHT:

Q Will you please tell us your full title?

A I'm County Clerk and ex officio clerk of the Superior Court.

Q How long have you had that position, Mr. Sharp?

A For approximately ten years.

Q Prior to that time were you associated with the Clerk's Office?

A Yes, sir.

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Q In which capacity?

A Prior to that time I was chief deputy, and executive assistant and administrative assistant to the County Clerk.

For a period of time between the regime of County Clerk Lippold and Mr. Ostly, I was the Acting County Clerk for five years.

Q I take it you have been in the Clerk's Office for a good number of years?

A Since 1941.

Q Do you have operating divisions of your office?

A Yes, we do.

Q Among the operating divisions, do you have a Criminal Division?

A Yes, sir.

Q Who is the Chief of the Criminal Division?

A The present Chief of the Criminal Division is Mr. Peter J. Talmachoff.

Q For approximately what period of time has he had that particular position?

A If my memory serves, since about 1963.

Q And does the Chief of the Criminal Division have a responsibility to supervise his employees and train new employees in the performing of their duties?

A Yes, sir.

Q What division of your office concerns itself with the exhibits after they have been introduced in evidence, either by the Grand Jury or a preliminary hearing, or during

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the course of a trial?

A Two divisions, really.

If we're talking about the Central District, it would be exclusively the Criminal Division.

If we're talking about Civil, that would be another division.

Q I understand but we are confining ourselves only to the Criminal Division here.

A It would just be the Criminal Division, then.

In the Central District it would be the Criminal Division.

Q That would be the one that Mr. Talmachoff is the chief of?

A Yes, sir.

Q I have before me, Mr. Sharp, a letter dated June 11, 1971, and it's addressed to the Honorable Joseph P. Busch, District Attorney, and below that, Attention, Mr. Richard W. Hecht, 524 North Spring Street, Los Angeles, California, 90012.

I would like to read this into the record and ask you if it is an accurate letter that you sent to Mr. Busch?

"After your call at my office to inform me of your investigation of the handling of exhibits in the Sirhan case, I requested Mr. Edward M. Kritzman, Assistant Chief Deputy in charge of Criminal, Juvenile, and Mental Health operations, to personally review our involvement in the case. He accordingly conducted an investigation and obtained statements from various

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personnel, copies of which I am enclosing to assist you in your investigation. Mr. Kritzman can be reached on Extension 8-1114.

"In accordance with your suggestion, I am also informing you of my personal involvement in the Sirhan case at its very outset. Recognizing the international interest in the case, that there might be attepts to remove certain exhibits, and that the exhibits must necessarily pass through various hands, I instructed Mr. Pete Talmachoff, Chief of the Criminal Division, to establish special safeguards for exhibits in this case, including secure storage and a log of withdrawals and returns. I thereafter made a personal inspection of means taken to implement this policy. I believe this was prior to the commencement of the trial. I found that the exhibits were contained in a special locked compartment of a large safe contained within the criminal exhibits vault on the fourth floor of the Hall of Justice, that only Mr. Talmachoff and Mr. Richard Wilson, Assistant Chief Deputy, had keys to the special locked compartment of the safe, and that a log of inspections was being kept. On several occasions thereafter I reiterated my insistance on the strictest of control

"Please be assured of my personal interest in the matter. I would like to review with your department the results of your investigation.

"Sincerely yours,

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"William G. Sharp,

"County Clerk."

Is that, in fact, the letter you sent to us?

A Yes, sir.

Q Did you, in fact, instruct Mr. Talmachoff to establish special safeguards as to the exhibits of this case?

A I had a verbal instruction or I think it occurred, to the best of my recollection, in January -- I mean, rather, June of 1968.

Q Did you thereafter continue to make efforts to assure yourself that the Sirhan exhibits would be kept in the best possible manner, having in mind Judge Walker's Court Order?

A No, I did not see Judge Walker's Court Order, nor did I know about it.

Q When did you become aware that Judge Walker had issued a Court Order, a rather unique Court Order, in this matter?

A Really, after this presentation started, did I read Judge Walker's order.

I believe my Chief Deputy at that time was Mr. Hatcher and he sat in at a conference with Judge Walker.

In talking with him recently, he is now Clerk of the Federal Court, and apparently, to the best of his recollection, he said that I was out of town or probably I would have sat in the conference myself but I had my Chief Operations Deputy who was present at that time, and I had no

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personal knowledge of it.

My follow-up was on the verbal instructions that I had given Mr. Talmachoff and I personally went to the Criminal Division to see that a special log was being maintained and I found out it was being maintained. That was prior to the exhibits being transmitted to the vaults for criminal trial purposes, at which time they were in charge of Alice Nishikawa who was the Clerk, who, as I recall, was actually the Clerk of the Court or the Clerk of the courtroom during the trial.

She was the Deputy assigned to Judge Walker's courtroom.

Q I have here also before me, Mr. Sharp, a letter dated July 12, 1971, addressed to:

"The Board of Supervisors

"Los Angeles County

"Hall of Administration".

The letter is entitled:

"Sirhan Exhibits".

I will read the letter.

"Considerable publicity has been given over the past several days to the possibility that there has either been tampering with exhibits in the Sirhan case, or unauthorized persons have had access to the exhibits, or exhibits may have otherwise been improperly cared for by the County Clerk's Office.

"I discussed this matter with the District Attorney's Office, offered my complete cooperation in their

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investigation, and conducted my own investigation. As of this date my investigation discloses no improper handling of exhibits by my staff or by anyone else; and Mr. Busch informed me today that his investigation to date discloses no concrete evidence that anyone had tampered with these exhibits or that this office had improperly handled any of them.

"At the outset of the case I instructed the criminal division to provide the strictest security to Sirhan exhibits, and I personally inspected the security measures which were instituted. Prior to the trial the exhibits were held within a walk-in vault to which only exhibit clerks had access -- and within a safe within that vault to which only the chief, the assistant chief, and the supervisor of exhibits had access. During the course of the trial the exhibits were transferred to the courtroom where they were given special security by the courtroom clerk. At the conclusion of the trial the exhibits were transferred back to the vault and placed under special security.

"After the trial the trial judge made an order specifying conditions under which the exhibits were to be made available to interested parties. Our staff in turn received explicit instructions in carrying out the court order. However, dissemination of certain information about this case apparently led the District Attorney to question whether certain unauthorized persons had access to the exhibits and

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whether our staff properly carried out the court order. As I indicated above, nothing in my investigation thus far shows the order was violated; and the District Attorney has not provided me with any concrete evidence to show noncompliance with that order.

"We have over 160,000 criminal exhibits on hand at any one time and take in about 50,000 annually. Controls have long been established for their security, and special controls for all exhibits involved in death penalty cases are also effected. In addition, special attention is given to celebrated cases such as the Sirhan matter. There is always the possibility that some breakdown in the controls takes place; however, in this case I have not found anything to indicate that it has.

"Several days ago one of the news media raised the question as to whether we were able to produce a copy of an exhibit which the trial judge authorized them to have. There was some delay in furnishing that copy due to the fact that some of the copies made available for public inspection were either distributed or were included with the exhibits which were transferred to the Supreme Court. However, all interested parties were eventually provided with the copies they requested and to which they were entitled.

"Henceforth, however, with agreement of the court, no material in this case will be made available to any party without a specific court order from the California

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Supreme Court, which now has this death penalty case under automatic review.

"Sincerely yours,

"William G. Sharp,

"County Clerk."

Is that, in fact, your letter?

A Yes, it is.

MR. HECHT: I'll indicate that you have been extremely cooperative during the course of our investigation.

Q Did you ever tell or urge Mr. Talmachoff that he was to specifically abide by the provisions of Judge Walker's Court Order?

A No, I did not, because, as I explained, I did not see Judge Walker's Order.

Q Going back to your letter of July 12th, to the Board of Supervisors, you indicated at the outset of the case you instructed the Criminal Division to provide the strictest security to the Sirhan exhibits.

Can you tell me to whom such an instruction was given?

A At the outset of the case?

Q Yes.

A Yes; I had a conference about it with Pete Talmachoff and the best date I can establish is that it would be in the first part of June of '68.

I believe that is when we received the exhibits from the Grand Jury and I had a verbal discussion with him, as I indicated, in the letter, that this has world-wide significance

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and interest and we talked about the John Kennedy trial and the things that had happened and certainly we did not want anything to happen in this situation.

We realize that there were many interested parties who would want to see the exhibits and that there would be a control problem when the exhibits would be removed and taken from the courtroom.

I told Mr. Talmachoff that a log should be kept of the people who came to see the exhibits and a special control should be set up so that we could determine at all times where these exhibits were and establish an accounting for them.

Then I went back within several weeks -- I can't tell you whether it was a week or two to see that this verbal instruction was being carried out, and Mr. Talmachoff showed me the locked compartment in the vault and I saw the exhibits were in there at that time.

There were very few exhibits; as I understand, as I recall there were some bullets or some photographs and they showed me a log which recorded the people who came in to see them.

Q What personally did you do about the security measures?

A I personally inspected the security measures.

Q Are you talking about the matter you have just testified to?

A Yes, sir.

Q I see. At the bottom of the first page of this

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letter of July 12, 1971, you state:

"Our staff, in turn, received explicit instructions in carrying out the Court Order."

Can you tell me, based on your own personal knowledge, when those explicit instructions were disseminated?

A I had no personal knowledge.

In the investigation I made of my own staff to come back to find out whether Judge Walker's Order had been disseminated to the various exhibit people -- as I recall in writing in my statement.

The statements to me were that the management of that division had instructed the people as to the carrying out of Judge Walker's Order.

Q Can you tell me, Mr. Sharp, if you know, what specific measures were taken to insure that new employees who were not present when the Court Order first came out, were made fully aware of the Court Order?

Do you have any information on that?

A I don't have any personal information. We asked the people and interviewed them and I think I sent you copies of their reports and that is the extent of my knowledge.

I received those replies in answer to my own investigation and I forwarded those to you.

MR. HECHT: I have no further questions of this witness, except I do have several questions asked by the Grand Jurors.

THE FOREMAN: Very well, you may ask those questions and if there are any other questions to be asked by any Grand Jurors please write them out and they will be directed to the

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witness through the Deputy District Attorney.

BY MR. HECHT:

Q Were you aware that Judge Alarcon issued an order at the time the Indictment was returned in Department 100 in connection with both publicity he was concerned with, and insofar as the testimony taken through the Grand Jury examination and also in connection with the integrity of the evidence?

A Mr. Hecht, we have 200,000 cases that we're handling and I do have a policy here that what we call incidents or Incident Reports are supposed to be brought to my attention, but we have a great deal of various sorts and I could do nothing else except read these reports if I was going to read every one of them.

So as far as Judge Alarcon's Order, it was not brought to my specific attention either by the Chief Deputy or Mr. Talmachoff.

Q How many employees do you have working with you, Mr. Sharp?

A I'd say 150, Mr. Hecht.

Q Is it my understanding that the 1968 County Grand Jury, that's the same Grand Jury that returned the Indictment against Mr. Sirhan Bishara Sirhan in its yearly report, I believe it is referred to as the Auditor's Report, made some comments about the operation of the Clerk's Office.

Do you recall that report?

A Mr. Hecht, are you referring to the Arthur Young Report?

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Q Yes.

A Yes; I'm quite familiar with it.

Q In fact, I have two documents here; one is the Report and the other, I believe, is the Response.

May the portion of the Grand Jury Auditor's Report with the County Clerk's Office be marked as Exhibit Number 41 and may the Response be marked as Exhibit 42?

41 ID 42 ID

THE FOREMAN: It will be so marked.

BY MR. HECHT:

Q From the reading of this report I sense the Grand Jury was concerned with the administrative controls and the handling of the exhibits.

Q Can you tell this Grand Jury in what respect steps were taken to embody the recommendations of the 1968 Grand Jury?

A Well, we have done a number of things. We had been doing a number of things prior to the Grand Jury Audit.

I might say that I disagreed with the emphasis that the Grand Jury Audit placed on it. I disagreed with many of the things in the Report from the way they were presented.

Some of these were our own suggestions and our own evaluations but if I recall we had over a 10-year period a 119 percent increase in criminal filings several years before the Sirhan trial and in one year I think we had a 50 percent increase in criminal filings.

So we were within our restricted area and we had a tremendous problem.

Part of the problem was that the District

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Attorney's Office felt and they suggested to us that we retain the exhibits, I believe the District Attorney's Office wanted us to retain exhibits for five years.

As I recall, that was five years after the Appellate period and we normally used to have a year's retention. In other words, when we think an exhibit can be released, we would go to the District Attorney and the District Attorney's Office okays it, we go ahead and get the Court Order and we seal it or turn it over to the Narcotics Officer or we proceed with the regular disposition of the exhibit.

So we had a tremendous problem. So, Number One, that was one of the many solutions that we sat down with the District Attorney and with the supervising judge in the criminal department, in Department 100, and there was the representative from the District Attorney's Office and I believe that was Mr. Leavy.

Also there was the Chief of the Criminal Department and the Chief Deputy, and the Judge.

They sat down and discussed some solutions to the problem.

#4 We then decided that it would be reasonable to ask the District Attorney's Office to relax a bit on this retention period since what we were discussing were matters which had already been acted on in the Appellate Court so we secured an agreement with your Department so we could set up the disposition of the exhibits.

Another thing we wanted to do was we had a great

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number of things and the other agreement was the proper inventory.

And then we have had our problems, really, all these exhibits come in from Municipal Court, all of them come in and they're not properly identified. They'll merely say "A box and contents".

We wanted to establish and publish an inventory control. We had to get control of the people sending in the exhibits to us. That would be the Municipal Court Division, we get our exhibits from them plus the Grand Jury and also the exhibits that are entered into evidence during trials.

That was part of our many problems and what we wanted to do was to set up an inventory-type of system.

We had the problem with the transporting of these exhibits to our district office. We feel that the messenger service was not giving it adequate security and we conferred with the Chief Administrative Office, Department of Communications, and various other people, about getting better security in the transportation of the exhibits to be sure that the people transporting them kept their trucks locked.

We felt that in some cases the trucks were unlocked and people could have access to these exhibits and we felt that we must establish a control over those exhibits at all times.

That was the main thing that we had to do, was to get a board of exhibit personnel. We put this in our budget, we had this great quantity of exhibits and we had this great

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quantity of material; up to them it was the partial duty of the Clerk's working in the Criminal Division to take care of those exhibits, but we established the classification of Exhibit Clerk with the Supervisors -- various levels and these Exhibit Custodian Clerks were established and we got that into our budget and I think there is a total of eight people working exclusively on exhibits.

Well, when that was instituted, we don't have it fully completed to the Supervisors, but we have the personnel set up now and we feel that they're going to do the job and provide initiative and we have that element established and we feel that will more than sufficiently handle the situation.

tape blank

I was concerned primarily because of the public attitude toward narcotics about security concerning the exhibits containing marijuana.

I felt that there was a possibility that some of our employees might have a tendency to use or to take the marijuana because there were so many experts saying that marijuana is not so bad for you. I thought there might be some relaxation in our own department and at various times I went to the exhibit area and I said, "I want all these narcotics under a real tight control."

Now the Grand Jury Auditor wanted me to put in some vermin proof vaults and I objected to this. I said, "We're going into the Criminal Courts Building. I don't think we ought to invest in any big expenditures when we're going to have things in pretty good order in the new building, and then,

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in the meantime, in our present situation, I feel that we can establish a good control over this tremendous volume of marijuana, primarily."

So, I went through on a personal inspection several times and discussed it with the personnel and I said that the narcotics or the marijuana are not being disposed of fast enough.

We brought in Mr. Walker, a management trainee, I believe that was done specifically by Mr. Hatcher, and we assigned him to clean up the narcotics, to go through all of this stuff and to see how much of it we could get rid of.

I talked to Mr. Hatcher and I talked to the local man in charge of narcotic control and got his cooperation and he said he would be willing to take a lot of our stuff and get rid of it but he had a lack of transportation so I got some of our county trucks and had them dispose of this narcotics by taking it and shipping it to the State for its destruction.

I had another problem about the packaging. I wanted to get everything packaged so we could establish how much we were getting in and getting out.

We were actually in the process of acquiring some sort of a sealing device to seal the material in tape so that it could be weighed and then reweighed afterwards.

I think the auditor, Arthur Young, suggested that we weigh them but after discussing it with Mr. Talmachoff and other personnel, I didn't feel that was practical. There is many reasons why I didn't think that would make sense.

Of course, there are many controls and sometimes

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controls break down.

Q I have a number of questions by the Grand Jurors and let me ask you this and see if I can't break it down to one question.

The Grand Jurors are curious as to the following facts: We are led to believe that the Sirhan case was an important, unique, case in and of itself, and during the investigation of the prosecution there were attempts made to safeguard the integrity of the evidence.

We have had testimony from Judge Alarcon that at the time the Indictment was returned he instituted or promulgated in connection with preventing excessive publicity and in connection with safeguarding the evidence certain orders regarding the evidence.

Also we have testimony that Judge Walker issued a Court Order, perhaps repeating certain parts of Judge Alarcon's order and also in greater detail, issuing further orders to insure and to safeguard the evidence.

The question is this; in view of the fact that the case was unique and important, how was it possible that Judge Walker's Court Order or even Judge Alarcon's Court Order was not transmitted for your personal observation and view?

A I think if I had been here, I think they should have called me in person, which the Court frequently does. The Presiding Judge, when he has matters of sufficient importance, he will call me and I will be brought in for the matter.

That happened, like I said, when we tried to get a

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relaxation of your retention problem.

But I cannot answer that. I asked my former Chief Deputy why I wasn't there and, to the best of my recollection, he said I was out of town. I don't know, but I feel I should have been called in and personally involved in it.

Q Did you discuss this with Mr. Hatcher?

A Yes.

Q Did you ask Mr. Hatcher, and I ask this out of curiosity, why he did not communicate the fact of the meeting in Judge Loring's chamber and the fact such a Court Order was issued to you, when you returned?

A He didn't recall.

Q Did you discuss with him why Judge Alarcon's Court Order was not also brought to your attention?

A Yes, but, again, he had no recollection of it.

Q One of the Grand Jurors would like to know what happens to a Court Order when a Judge issues a Court Order.

Can you tell us what happens to it?

A There are several things that can happen.

If it's an Order from the Presiding Judge it normally goes into the Minutes of the case, whatever he so orders.

Then it comes to the Administration Division where it is filed. If it is an Order involving a particular case, it may be sent to one of the Chiefs of the Division. There are many orders, possibly several hundred orders a month that probably go into the case file or are handed on to the Division

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Chiefs.

Q When you refer to a case file, you're referring to the case file that is maintained in the court, the courtroom file?

A Yes; the official file of the case, yes.

In fact, I anticipated that Mr. Talmachoff would bring me copies of whatever Court Orders he felt were necessary to discuss with me, which would be filed in the case file.

As I say, there are many Court Orders issued. There are voluminous numbers of Court Orders.

Besides being filed in the case file, these come to the Administration Division where they are indexed and they are perhaps sent on to the Division Chiefs or other persons who might have to implement those orders.

There are so many cases and so many parties and there are so many specific exhibits that it would take an entire division or quite a number of persons to examine every Court Order that was issued to determine if further action is required by the County Clerk's Office.

The Judge's Order itself is put into the Minutes of that Department and it would be recorded and be microfilmed and preserved that way.

As I say, it is the duty of the people in the Administration Division to pass these orders on to the proper person and these persons will bring these Orders to my attention if they feel that it is necessary.

MR. HECHT: Thank you. I believe that most of the

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questions have been answered by that.

I have nothing further.

THE FOREMAN: Are there any further questions to be asked of this witness?

Apparently not.

I need not caution you about the necessity for secrecy concerning the testimony you have given before this Grand Jury.

I'm sure that you know all about it.

THE WITNESS: Yes, I do, sir.

THE FOREMAN: All right.

Thank you for coming in.

(Thereupon, the witness, William G. Sharp, was then escorted from the Grand Jury Hearing Room by the Sergeant At Arms.)

THE FOREMAN: We'll adjourn now and we'll resume at 1:30 P.M.

(Thereupon, the noon recess was taken until 1:30 P.M., this same date.)

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LOS ANGELES, CALIFORNIA, MONDAY, AUGUST 16, 1971

1:40 P. M.

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THE FOREMAN: Let the record show that all the Grand Jurors present this morning are present at this time.

You may proceed, Mr. Hecht.

MR. HECHT: Mr. Foreman, I think it will be helpful if I read the transcript of the thirty-some-odd pages of Grand Jury Exhibit Number 38 for identification, the meeting in Judge Loring's chambers, so we know precisely the events that took place on that occasion.

(Reading:)

"SUPERIOR COURT OF THE STATE OF CALIFORNIA

"FOR THE COUNTY OF LOS ANGELES

"In the Matter of

"SIRHAN BISHARA SIRHAN

"Number A-233,421

"Meeting held in the Chambers of Assistant Presiding Judge Charles A. Loring, on Friday, May 16, 1969, at 1:30 P. M.

"PRESENT:

"Judge Charles A. Loring

"Assistant Presiding Judge

"Judge Herbert V. Walker

"Robert A. Houghton, Deputy Chief,

"Los Angeles Police Department

"David Fitts, Deputy District Attorney

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"Emory Hatcher, Chief Deputy

"County Clerk's Office

"Peter Talmachoff, Division Chief,

"Criminal Division, County Clerk's Office

"Mrs. Alice Nishikawa, Clerk, Department 107

"Vesta Minnick,

"Official Reporter.

"LOS ANGELES, CALIFORNIA, FRIDAY, MAY 16, 1969.

"1:30 P. M.

"JUDGE WALKER: First, perhaps we better take up the photographs.

"MR. FITTS: There are somewhere in the neighborhood of 130. I wasn't present at the precise moment they were introduced but my understanding is that they were offered in evidence with the stipulation that they were not to be viewed by the jury.

"JUDGE WALKER: Well, I had Alice check.

"THE CLERK: They were only marked for identification.

"JUDGE WALKER: Because the Defense objected and that is why they were put in just for identification only.

"Now I have come to this conclusion. As far as they are concerned, I am willing to seal those subject to order of Court, and I think I can put it on some kind of ground. I am going to look at it and find myself some ground and do it. If the Appellate Court wants to upset us, that is fine.

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"MR. FITTS: Well, I don't think there is going to be too much demand to see these. The only people that could do anything are going to be cranks in the first place.

"JUDGE WALKER: Well, those are the people I am worried about.

"MR. FITTS: Well, I sort of thought these people would be the cranks and they want to see them so they can start cranking.

"DEPUTY CHIEF HOUGHTON: I will agree with that.

"MR. FITTS: So these folders were for identification.

"THE CLERK: They were for identification only. There were two groups, one consisting of 166 and the other 127 photos.

"MR. FITTS: I never counted them.

"DEPUTY CHIEF HOUGHTON: There were two sets. There was a set of photographs of the autopsy which Noguchi's people took and then there was about half a dozen, it seems to me, of photographs taken by the Los Angeles Police Officers over there at the Good Samaritan Hospital and you remember those. They were taken prior to any surgery or cutting on the wound, on the head wound, and I think they ought to be categorized in the same group. I don't know if you used them in evidence.

"MR. FITTS: Would you give me the exhibit numbers of those.

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"THE CLERK: 81 and 82.

"JUDGE WALKER: And 81 consists of --

"THE CLERK: 166 photos, and what they are I really don't recall offhand, and then 82 is an envelope containing 123 photos.

"DEPUTY CHIEF HOUGHTON: Well, the photos I am talking about were not introduced in evidence. We can talk about those in a separate category.

"THE CLERK: They were only for identification.

"JUDGE WALKER: Anything that went in evidence, I don't think we can take a chance on sealing.

"DEPUTY CHIEF HOUGHTON: Well, I agree.

"JUDGE WALKER: Those that weren't in evidence, I think I am on a lot better ground.

"MR. FITTS: We used a very minimal of photos because, after all, it wasn't an issue anyway, no controversy.

"JUDGE WALKER: I know Alice has kept track of it. It is not going to be any problem to figure it out.

"Then we come to the second problem as I see it. These exhibits were extremely valuable and they are going to go up on appeal and to have them mutilated or even some of them, it is going to be very bad, and I think particularly if they are not in packages.

"MR. FITTS: Yes, and in particular you have mentioned 81 and 82. Do you have those in the Minutes, just a Minute Order?

"JUDGE WALKER: Well, I think I better write an

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order in some particularlity and put it in the file.

"MR. FITTS: Well, there could still be a Minute Order.

"JUDGE WALKER: Well, it could be supported by a Minute Order but I think there should also be an actual signed order, I thought.

"MR. TALMACHOFF: I would like to recommend you do this. We had this at the very beginning of the case and it is quite helpful to us to be able to show a copy of the Court Order with the Judge's signature on it.

"JUDGE WALKER: Well, we can write up an order covering it in particularity.

"Now, getting back to our second problem, we have got these bullets, we have got the gun, and I have even had a request from some woman that got hit with one of those bullets. She wanted it for a souvenir. I have already told her where she can get it.

"What I am trying to do is to set up something like this, that the actual exhibits are not exhibited to these people in some manner, so they are not mutilated or lost or anything else, because it is easy for these exhibits to get lost in your office and everybody is in a mess. I understand that maybe you could have copies that the public could see.

"DEPUTY CHIEF HOUGHTON: I was going to wait until you got through with those exhibits and then we can talk about this other. We have done a lot of investigating

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of cases which were not subject to testimony and I think you put in Owens.

"JUDGE WALKER: Some 38 or 40 witnesses.

"MR. FITTS: How many were there? Most of that stuff was ordered delivered on discovery, and, in one way or another, they had a lot of specific names so they got that stuff and let me assure you here and now that which was delivered on discovery and that which was filed with the Court was scaled to this extent. They asked for interviews and interviews they got, but when it came down to embodying conclusions of investigative personnel you know and we believed, after examining this, that and the other, that even this Owens is a self-seeking son-of-a-bitch -- let it stay in the record. Material of that kind I abstracted from the file.

"DEPUTY CHIEF HOUGHTON: In other words, what you did, you must have done it earlier to block it out or to copy, because some of that was built into some of the interviews.

"MR. FITTS: No, it wasn't built into the Q and A's, and I gave you that which purports to be questions and answers.

"DEPUTY CHIEF HOUGHTON: We got a lot of actually what was summary of interviews, not Q's and A's.

"MR. FITTS: Yes.

"DEPUTY CHIEF HOUGHTON: And someone had made an evaluation of it as to the veracity of those fellows.

"MR. FITTS: Where possible the stuff was not made

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a matter of record.

"JUDGE WALKER: It was not even put in for identification.

"MR. FITTS: Mostly it was in as just interviews without editorial comments.

"DEPUTY CHIEF HOUGHTON: Are you finished -- go ahead.

"MR. FITTS: That finishes my thought.

"DEPUTY CHIEF HOUGHTON: We had a meeting, and so all of you will know, with Buck Compton and John and Dave and my staff in which the District Attorney requested that we were to use his material given to him, our investigating files and copies thereof, which constituted, in his terms, red herrings in the case. Now, there were about fifteen or sixteen such categories and five of those received some publicity. There was the Cuban Duarte who you are not familiar with, but he got in and he even went on TV and Jerry Owens, the self-styled preacher, John Faley, and I think he got some publicity, and most of them did because these witnesses went out and got the publicity, so we have got all of those plus some others that we consider to be in that category of red herrings of some significance, not materially significant, other than those that they asked for on discovery and they called Walter Crow.

"MR. FITTS: They got it.

"DEPUTY CHIEF HOUGHTON: They got that and I think one or two others, and they might have Virginia Teresa

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and that might have been marked.

"MR. FITTS: I don't think so.

"DEPUTY CHIEF HOUGHTON: Some of it had not reached the press that our investigation had uncovered and so that is the way it came back, but nobody knew it except us, the District Attorney and the FBI. There is that category that anybody in that group, that was introduced and marked for identification and, I am not sure, you will have to go back and look and then I will have to tell you.

"MR. FITTS: I don't know why it all falls to me. I am in the business of compiling something which will probably have to be revamped, I don't know how many times, but it will be a District Attorney news release with respect to this Sirhan investigation, an appendix, and we have a list here of all the witnesses that the People called as a part of their case in chief. We weren't asked to mention those called by the Defense and we didn't.

"DEPUTY CHIEF HOUGHTON: Called our subpoenaed.

"MR. FITTS: As to those files that we put in.

"Now, correct me if I am wrong, but they were put in evidence, not to be seen by the jury, and you will remember there were a number of them that were submitted and this is just after we closed.

"THE CLERK: They were only marked for identification.

"JUDGE WALKER: The only thing that was admitted

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in evidence and not to be shown to the jury were the statements taken by Dr. Pollack of his interview with Sirhan.

"How about the search warrant?

"THE CLERK: That is only for identification.

"JUDGE WALKER: Okay, fine.

"DEPUTY CHIEF HOUGHTON: Which search warrant?

"JUDGE WALKER: Well, the one somebody had.

"DEPUTY CHIEF HOUGHTON: For the car. We had two.

"JUDGE WALKER: I have forgotten.

"MR. FITTS: The first search warrant was never material. It was the wrong car. That was a Chrysler.

"JUDGE WALKER: There was one I didn't want to put in evidence because of the affidavits attached to it.

"THE CLERK: He never asked it to go into evidence.

"DEPUTY CHIEF HOUGHTON: I don't know which one you are talking about.

"MR. FITTS: There was the search of the DeSoto.

"DEPUTY CHIEF HOUGHTON: It never came in issue.

"MR. FITTS: It never came up so we never put the search warrant in evidence.

"DEPUTY CHIEF HOUGHTON: There was one other thing that we applied for and got and I want to be sure I understand what the Judge is talking about. In the Duarte investigation and Duarte is an anti-Castro Cuban, he alleged a fight with Sirhan at a meeting of

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the far-Left people over in Hollywood.

"MR. FITTS: I know what you are talking about. That was in the search warrant. The most that ever occurred, so far as he was concerned, was that we scared him with a Grand Jury subpoena.

"DEPUTY CHIEF HOUGHTON: I will check it out.

"MR. FITTS: It is in the roster.

"DEPUTY CHIEF HOUGHTON: That is right.

"MR. FITTS: Okay.

"DEPUTY CHIEF HOUGHTON: I told them to either get a search warrant --

"MR. FITTS: We discussed the matter and the Grand Jury subpoena and that wasn't worth the paper it was written on.

"DEPUTY CHIEF HOUGHTON: I remember we discussed the search warrant.

"JUDGE WALKER: I may be mistaken, but I remember specifically the search warrant that was there was not going to the jury, and which search warrant it was, I don't know.

"In any event, let's go on to the rest of it. The big problem --

"MR. FITTS: May I just for clarification, because I want to know who is going to do what, and with respect to the restrictive order now as to those autopsy photos, Exhibits 81 and 82, do you want an affidavit or an order prepared by someone?

"JUDGE WALKER: Well, you can make up an affidavit

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or an order for my signature.

"MR. FITTS: Well, I was hoping you would do it.

"JUDGE WALKER: Well, I can't very well make an affidavit. I think that is up to your office. I don't know whether we need an affidavit. Couldn't you just simply prepare an order? I think there should be something in the record that supports my order, and now whether it is a good legal support or not is another question.

"JUDGE LORING: Couldn't you recite an examination of the photographs, discovery material of such a nature and so forth, otherwise it would serve no useful purpose.

"MR. FITTS: That is what I had in mind.

"JUDGE WALKER: I will do it that way but you will have to help me. We will have to bring them up and examine them so I can get some idea.

"Getting back to all of this thing that is supposed to be exhibited or could be exhibited, how are we going to handle this and keep them from having the originals?

"MR. HATCHER: Our office could duplicate every single exhibit that could be duplicated and only those that could be duplicated.

"JUDGE WALKER: Well, that is all right with respect to physical exhibits like papers and all things like that, but we have got the coat, we have bullets, we have got expended shells, unexpended, and so forth, which are physical.

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"JUDGE LORING: Well, I think they could be put in some kind of a plastic or cellophane container that can be seen through without being able to touch them.

"MR. FITTS: To be realistic about it, there aren't going to be many people who want to look at these bullets anyway. What can they do with it?

"DEPUTY CHIEF HOUGHTON: I don't think that is the problem, and I am just guessing as to what is bothering the Judge so much. I don't think they would have to handle the bullets. I think you could store the bullets however you want to store them or for how long, and I think that there could be photographs taken, if somebody wants to see the bullets, and I think photographs could be taken of a scale model and just lay it out clear and this is what they look like. Then you could say that they are in permanent storage, whatever you want to say.

"Now, as to the coat, I agree with Judge Loring, that if for some reason somebody might want to see the coat and they might want to look at the clothing just to verify the fact that there was a bullet hole as we said there was, and that sort of thing, I think you might be able to put that in a bag so that they could see that there were bullet holes in the shoulder of the coat and the armpit and that sort of thing.

"JUDGE LORING: You would probably want to preserve that in some kind of a container in any event.

"JUDGE WALKER: Well, could your office make copies of all of the other exhibits?

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"MR. TALMACHOFF: All documents you mean?

"MR. HATCHER: That is no problem at all.

"JUDGE WALKER: How about the bullets, guns and other physical things?

"MR. HATCHER: We could have them photographed if you would like. We could arrange to have it done. There would be no problem.

"JUDGE WALKER: Well, we don't want any of the originals available except to attorneys of record.

"JUDGE LORING: Or upon order of Court. If somebody comes in with a valid reason as to why they should see it, and they are responsible people, then we could order it.

"JUDGE WALKER: I won't be here so I am not concerned.

"JUDGE LORING: Well, whoever does it.

"MR. FITTS: Judge Loring, that is something that I wanted to mention and it appears to me that with respect to the precautions that should be regarded in connection with all of this stuff, that rather than having anybody willy-nilly walking in off the street and coming up and postering the Clerk, it would be nice somehow if they obtained a kind of clearance through the Court. I know I am posing a sort of onerous burden.

see???

"JUDGE WALKER: You mean to see anything at all?

"MR. FITTS: No.

"JUDGE WALKER: Oh, no.

"JUDGE LORING: Well, as long as you are dealing

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only with copies such as photographs of the original documents, what risk is there? Why shouldn't they see copies?

"DEPUTY CHIEF HOUGHTON: If you think of the volumes and volumes, there will probably be a sudden surge and I am saying immediately, as soon as it is known that they are going to be available, there will be maybe thirty people or maybe a hundred.

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WALKER??

"JUDGE WALKER: As I understand it, it is going to be made known they are going to be available, there will be maybe thirty people or maybe a hundred.

WALKER??

"JUDGE WALKER: As I understand it, it is going to be made known they are going to be available in a news release.

"MR. FITTS: Here is the point of the release. The District Attorney wants to have something in the release with respect to the accessibility of those things which we have marked in evidence in some fashion or other like all of these interviews and the rest of it. He wants to make it known that they are available for those people who have got some legitimate interest in looking at the stuff and include some kind of explanation of the mechanics by which this material can be viewed, and that is what I was hoping we might be able to determine, determine today, so I could report to him and discuss what is to be written in those releases which I have to write.

"JUDGE WALKER: Well, I think that we could have

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duplicates in the County Clerk's Office and those that we have decided to seal would have to be obtained by Court Order.

"MR. HATCHER: There would have to be another provision. If the person insists on seeing the original, it would have to be on Order of Court.

"JUDGE WALKER: Well, that could be done.

"JUDGE LORING: And good cause being shown.

"MR. HATCHER: I anticipate we will be getting a number of orders for copies. They can purchase copies of public records.

"JUDGE WALKER: Well, I have got a request up there now for the original working papers of the psychiatrists and stuff like that, and that is from the Psychiatric Association. One of them wants all of the psychiatric testimony.

"THE CLERK: May I bring up a point? Here we have this 114, the psychiatric interview of Dr. Pollack with the defendant. I imagine lots of these psychiatrists would be interested in this particular interview, too. How are you going to handle that?

"MR. FITTS: Well, the problem has arisen along that line.

"THE CLERK: They were admitted in evidence but were not to go before the jury.

"MR. FITTS: That is true, and Dr. Pollack himself was terribly exercised, for whatever it may be worth, when those statements, you know, were made available to

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the press. It was not me though that did it. I don't think it was a very good idea to do it. As far as Dr. Pollack was concerned, at that time these particular interviews were privileged until such time as they perhaps became an issue in the lawsuit and then, of course, no privilege would apply, but nobody asked for that stuff in the courtroom and yet it was released and we know that copies of that stuff had been made available and will at some time be used. Dr. Pollack has gotten a letter from us saying that he has in no way, shape or form consented to the release of this material to anybody and that was done without prior knowledge on his part. That is just to protect him so far as his professional standing is concerned, so whether that material should be released, I have some misgivings because it was not in evidence.

"JUDGE WALKER: Well, when it was not in evidence I don't understand why they were released.

"THE CLERK: Now it is in evidence but not to go to the jury. There was that condition.

"MR. FITTS: Okay, the statements are in evidence but the contents thereof were never placed in evidence.

"THE CLERK: That is right.

"MR. FITTS: There is one thing to have the scale in evidence and that doesn't have any value whatsoever except for the words that would be contained on it, and this was not placed in evidence and you know, it seems to me, there is a distinction.

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"JUDGE WALKER: Was there a written copy of the interview?

"MR. FITTS: Not necessarily.

"JUDGE WALKER: Anything not in evidence I don't see why we have to make it available.

"MR. FITTS: Well, as Alice just said, the statements are in evidence but the contents, however, were never placed in evidence.

"JUDGE WALKER: We just got the basis.

"MR. FITTS: We got the basis and the plastic material, and if it ever got close enought to a magnet, we don't even have the words.

"MR. HATCHER: Maybe that isn't the answer.

"THE COURT: Is there anything further? I don't want to take too much of Judge Loring's time.

"DEPUTY CHIEF HOUGHTON: I have something and it is only to tighten our position in this connection. What data you have been talking about is not over five percent or less of the total investigation files, probably maybe two percent. The total investigation files are in great detail and there is a whole gamut of miscellaneous non-relevant material because this investigation started out and wound up to be as thorough an investigation as it was possible to make. Every lead that was a possible inference of conspiracy, no matter how remote or how inane it might have sounded initially, was followed. From some of this information, obviously, we interviewed a lot of people and you never knew who they were going to talk to.

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I am sure some of it will leak out. The majority of it has not. Much of it has. Now, the posture of the Los Angeles Police Department is that we think that nothing in this case should be withheld from the public.

"JUDGE WALKER: That is right.

"DEPUTY CHIEF HOUGHTON: We think to put secrecy around this phase of it is just going to open up speculation that is going on with the John Kennedy assassination since we did do in my opinion as professional a job of investigation as could have been done anywhere and I feel that this information should be made available. Now, we have not decided whether we will make the files available yet. We will decide this.

"JUDGE LORING: This is all in written form?

"DEPUTY CHIEF HOUGHTON: It is all in written form, about 50,000 pieces of paper, and the final report to the Chief consists of nine volumes, and I believe that everything went down on it.

"JUDGE WALKER: You need a final, final report.

"DEPUTY CHIEF HOUGHTON: Well, it can be broken up very readably. This was done as I, and I realize everybody has been second-guessing, easily enough, but it was done for the simple reason of protecting the reputation of this department who felt what had happened in town was an extremely significant thing that would be reviewed for a number of years, but lots of those people -- we wanted to be sure that every loophole we could see or hear about was investigated and we have got some real

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weird things in the file, some way-out things, and we had to check them out, and we intend to answer any questions that anybody has. If anybody has some information that they think is pertinent to either the conspiracy of anything, why, we intend to answer it based upon our files.

"There is one other thing you mentioned in that respect and that is that Ramsey Clarke, when he was the Attorney General, I met with him out here and he expressed an interest in disposition of these investigative files. At that time he indicated that his thinking was running to have a duplicate set of these files placed in the archives in Wasington. I discussed this with the Police Commission and they have no objection to this so long as there is a mutual agreement on procedure for release of information; in other words, that they don't run different systems of control, whatever they may wind up with.

"However, since there has been a change in office and the new Attorney General, Bill Lynch, whom you know called me and they still have some interest in it, but I don't know to what degree or exactly how they are going to do it, so it is possible and I want you people to know it is possible that the files may be duplicated and placed in the National Archives for historical purposes. I don't know if that is of any concern to you but I think that since you are all in it, you should know it, and what happens as the posture of our Depart-

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ment.

"JUDGE WALKER: It seems to me we shouldn't try to have any authority to exercise any control whatsoever of your files which have not gone into our case, and what do you think?

"JUDGE LORING: That would be my view of it, that that material which the Police Department has, is a matter over which we have no jurisdiction.

"MR. FITTS: In fact, I would like to have a little talk with you about this matter. We will arrange that. The District Attorney wants to make reference to the fact that you have got all of this material and further reference to the fact that you have this policy about open disclosure with respect to it and you are going to have some ground rules, obviously, with respect to how this stuff is going to be accessible.

"DEPUTY CHIEF HOUGHTON: The mechanics of it.

"MR. FITTS: The mechanics of it and background rules, so far as we are concerned, can be determined by you but he would like to make some reference to the ground rules in the press release. Is that feasible?

"DEPUTY CHIEF HOUGHTON: I don't know yet. It depends upon the timing, upon his release, because I am waiting to get some kind of final decision from Washington on the files because I don't know what their standard procedures are back there and what controls they place on their files, but I do have some ideas. at this moment. Our problem is one of mechanics.

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"MR. FITTS: Right.

"DEPUTY CHIEF HOUGHTON: Which I won't bore you with. I know what they are. The files are all marked now and all the evidence we have in our system, I would say easily is 4,000 items.

"JUDGE WALKER: Well, my understanding of what we have agreed to here is to issue an order covering the photographs and such other things we may determine should not be released except on order, and they can only be used by order of the Court or by showing proper cause. All other exhibits are to be duplicated and made available by our County Clerk to those people who want to get ahold of them, is that right?

"MR. TALMACHOFF: Just as long as we understand that there are certain exhibits we can't duplicate. There are books and I think we had a small library of Sirhan's in the case, and there is no sense of trying to duplicate those. You can't duplicate tapes very conveniently.

"JUDGE WALKER: We don't want you to duplicate those tapes. The tapes are in evidence.

"MR. TALMACHOFF: We would just as soon not tamper with those.

"DEPUTY CHIEF HOUGHTON: I think Sirhan had a transcript and you know there is a tape, but I don't know if it was introduced.

"THE CLERK: They were introduced.

"DEPUTY CHIEF HOUGHTON: I think the tape between

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John Howard and Officer Murphy was introduced.

"JUDGE WALKER: They are right in the transcript.

"MR. FITTS: We played all of those tapes beginning with the first custodial interview through the last one. The tapes were all marked in evidence and the jury was provided with transcripts so they could follow the tapes. They are all in the daily. They are all there.

"DEPUTY CHIEF HOUGHTON: But somebody may want to listen to the voice.

"MR. FITTS: I don't know whether the Clerk's Office has copies of those transcripts. They were simply made available to the jury and to the reporter.

"JUDGE LORING: Well, I think the answer to the people who want to hear the tape is to let them have access to the tapes. They cannot remove the tapes from the County Clerk's Office but they will have to supply their own electrical energy.

"MR. FITTS: That is what I was thinking with respect not to the real, and by real evidence I am talking of the physical things other than papers that can be duplicated, that they are viewed upon Court Order for good cause shown, period.

"JUDGE WALKER: You are talking about the coat and the shells again?

"MR. FITTS: Right, every bit of it.

"JUDGE WALKER: What you are talking about are the actual articles viewed on Court Order.

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"MR. FITTS: Well, I am talking about viewing the real evidence. That is not talking about looking at pictures.

"JUDGE WALKER: Well, there are going to be pictures of it anyway.

"MR. HATCHER: There are certain things that could not be copied photographically but there are other things that can be photographed and those photographs could be shown upon request. If they want to see the originals, then obtain a Court Order. I think that would cover us pretty well.

"DEPUTY CHIEF HOUGHTON: Could I make a comment here -- off the record.

"(Discussion off the record.)

"JUDGE WALKER: Well, I think we have got it pretty well in mind now. It is up to me, along with the cooperation of the rest of you, to work out a proper order. I am going to rely on you fellows there to do it, to be sure the details are right. Now, this doesn't have to be done before Wednesday, does it?

"MR. FITTS: Well, let me tell you something. Did you see what we got served with, this memorandum of points and authorities in support of the motion?

"JUDGE WALKER: I got a copy of it yesterday or the day before.

"MR. FITTS: Well, I was up to 11:00 last night working on that and it looks like I am going to have to work on the weekends now. They had three weeks to

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prepare theirs. We have got four days including Saturday and Sunday, and I mean that is the kind of pressure we are working under, Judge.

"JUDGE LORING: Who has made the motion?

"JUDGE WALKER: Cooper.

"MR. FITTS: Cooper submitted the points and authorities and somebody else submitted something, but I am not worried about the ACLU little thing.

"JUDGE WALKER: That is of no concern.

"MR. FITTS: But you know all of that stuff they have put in there.

"JUDGE WALKER: A lot of that is right in the transcript and the stuff is there, a complete transcript, and this is a great deal of what he has raised.

"MR. FITTS: Yes, I know, but that is what I am working on right now if you are ineresting. He picks from the transcript that which suits his purpose and omits from the points and authorities that which defeats his purpose, and somebody, if the thing is going to be prepared properly, has to sit down and include what he omitted. That is what I am doing. I am in the process.

"JUDGE WALKER: I don't want you under that kind of pressure because it is very important you have a proper answer in. Why don't you come in, say, Monday morning and ask for some more time?

"MR. FITTS: I don't want to. That is the last

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thing in the world I want to do, to ask for time.

"JUDGE WALKER: Well, I don't want you to.

"MR. FITTS: We will do the best we can, Judge, but I am not going to ask for time. If this motion is going to be denied and this guy sentenced, I would like to have it happen on the first available date. We have not been asking for time before and I don't want to ask now.

"JUDGE WALKER: Well, in any event, as a practical matter, when it goes up on appeal, whoever handles it on appeal, will have ample time to hit the whole transcript and put all of that stuff in so you would have what is left out. I have read through his briefs.

"MR. FITTS: We are not going to turn in a too polished job because we can't under the time limitation, but it is going to look pretty thorough.

"JUDGE WALKER: I don't want you to short-circuit it and, while I don't care to put it over, I don't want to put you in the position, and if you come in Monday and ask for X-days, that is what you are going to get, regardless of what the press or anyone else thinks about it.

"MR. FITTS: Well, I would just as soon not work on some of the details of this thing until we get that disposed of.

"JUDGE WALKER: This can keep.

"MR. FITTS: The District Attorney is going to be

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on my back until I can give the District Attorney what we have thought out and what we have decided here today which should be sufficient. I don't say it would be, but it should. We have not got worked out the details and I don't think we can do it by Wednesday. As far as I am concerned, I would like to give this thing a little rest until after Wednesday.

"Chief, have you agreed in principle, that I know what you relayed to me, but you had some objection to the release of some of the stuff that was on file.

"DEPUTY CHIEF HOUGHTON: The only thing I would object to, the only thing I would point out is the precautionary things. I think it is up to the Judge but the FBI files themselves are maintained in confidence by the FBI and the fact that they have been introduced and marked in evidence, then I think they become something else. That is my personal opinion.

"MR. FITTS: They understand that.

"DEPUTY CHIEF HOUGHTON: Then I think those conclusions drawn by my investigators, which I asked them to draw and I wanted impressions from them, and some of them are not put very tactfully as they call people liars and things like that, and I would be just a little concerned about that.

"Then, let's see, there was one other area. I can't think of it.

"Oh, yes, it is criminal records. Everybody interviewed, we placed in their jacket if they had

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criminal records from the CII kick-back sheet. As far as I am concerned, we are not going to release any of that. When we find someone has a criminal record, that is confidential information because I don't think we ought to disclose that. I don't know what you have.

"JUDGE WALKER: I don't think so.

"MR. FITTS: I am not too sure there might be a kick-back sheet on Jerry Owen.

"DEPUTY CHIEF HOUGHTON: And Rabago and Delgado.

"MR. FITTS: But Robert Cordero, there was nothing on him but a straight interview in those files.

"DEPUTY CHIEF HOUGHTON: Then there is one other thing, and this is where we didn't think far enough ahead. We also ran, on everybody we interviewed, them through our subversive files and, of course, some of them came up. Walter Crow, I don't know if you have our subversive confidential information.

"MR. FITTS: We don't have it and we don't want it.

"DEPUTY CHIEF HOUGHTON: We asked for discovery on Walter Crow and we threw that out and I don't know what harm that has done.

"JUDGE LORING: Let me ask a question and this may not have any place but maybe this question should be asked. Suppose the Supreme Court should, through inadvertence, order a reversal here. Is there anything going to be investigated under these discovery orders or this program that will violate the original order

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that was issued by Judge Walker in this matter?

"DEPUTY CHIEF HOUGHTON: We don't think so. I don't know how the District Attorney feels.

"JUDGE WALKER: No. I don't think that order covers this stage of the proceeding.

"JUDGE LORING: But I had in mind the original order.

"JUDGE WALKER: The idea behind the order was to preclude pretrial publicity and it had nothing to do with appellate publicity or anything since then, so I don't think it enters into it.

"JUDGE LORING: But my point is if there is going to be press releases now of material that would have been prohibited under the original order and there is a reversal, is it not then the same as if there had been a relaxation of the initial order as to that second trial that would prevail.

"JUDGE WALKER: It would be a question to this extent. If the Supreme Court does so, in all likelihood it would not be within at least two years and possibly three.

"JUDGE LORING: The damage, if any, would have been done.

"JUDGE WALKER: It would have been negligible.

"JUDGE LORING: All right. You would just have to do the same thing with the jurors on the stuff that has been kept out and that didn't get into the trial, and that is all.

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"DEPUTY CHIEF HOUGHTON: Well, there is going to be, I know of at least four books and I know the tenor of all of them, but I know at least three of them are going to allege a major conspiracy in this matter and not what the truth is, so I think I can assure you that there is nothing in that file than is other than pure speculation, that is relevant to or material to the actual shooting of Robert Kennedy that was done by Sirhan. Our investigators will continue to comply with the orders of the Bureau and the District Atotrney's Office at all points.

"JUDGE LORING: I don't know enough of the details but I just did want to raise the question and ask if you had considered this if there should be a reversal and what effect this is going to have.

JUDGE WALKER: You would be at the same place we were at, at the start of the trial, with all of the publicity. We brought all of the jurors in chambers and went into all of these matters thoroughly so that we could protect the record. We would be in the same position then and you possibly couldn't get this thing up on appeal before two years. I am hopeful that the nature of the Court will change by then.

"MR. FITTS: It is going to create a substantial problem. No matter how far it is into the future, if it is reversed, it is going to create a substantial problem and the Legislature is going to have to talk their heads off about it and I don't see anything we can do.

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"JUDGE WALKER: It is no different than the problem we had when we started the trial. It would just be augmented and it would be a very difficult problem.

"MR. FITTS: This is something worth writing up if you would all like to listen to it. There should be some kind of security precautions enforced so far as the Clerk's Office is concerned. People who want to make copies of these things can make copies on facilities available in the presence of somebody that is watching what they are doing. Those who aren't satisfied with the facilities available can bring their own equipment.

"MR. HATCHER: Oh, no, no.

"MR. FITTS: No comment.

"MR. HATCHER: With all of our precautions, they might destroy something so we duplicate everything.

"Pete, the point I was trying to make is this. Earlier in the trial there was something that was released by the press which indicated to members of the public that all they needed to do was to write in and they could get a copy of the Grand Jury transcript and we were getting requests like that, and we don't want anything going out to give the impression that all they need to do is to write in and they can get copies of everything.

"DEPUTY CHIEF HOUGHTON: What we are going to do, well, the files of this investigation should be separated from all other files and they will be under lock and key

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and there will be minimum distribution of those keys. At the moment there are three that have been released and one I will have until such time.

"MR. FITTS: Nielson has one, and who has got the other?

"DEPUTY CHIEF HOUGHTON: Captain Brown.

"We are going to isolate the files because they are not available to the average person.

"MR. HATCHER: We advise them that they can procure a copy of a page and that our fee is fifty cents a page. That will stop a lot of them.

"MR. FITTS: Okay, does something like this sound reasonable? I am just talking off the top of my head.

"DEPUTY CHIEF HOUGHTON: I would like to meet once with them or their commissioners so long as our problems are similar.

"JUDGE LORING: Well, I don't want to take any more of Judge Loring's time on these details. I just wanted to get your opinion while we were going over the major aspects and I feel it is the Court's problem, otherwise I would have handled it myself.

"JUDGE LORING: Absolutely.

"JUDGE WALKER: Well, thanks a lot for your time. I don't think I will have this written up at this time for distribution.

"(The meeting adjourned at 2:15 P.M.)"

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MR. HECHT: Mr. Talmachoff, please.

(Thereupon, the witness, Peter John Talmachoff, was then escorted into the Grand Jury Hearing Room by the Sergeant At Arms.)

PETER JOHN TALMACHOFF,

called as a witness before the Grand Jury, was duly sworn as follows:

THE FOREMAN: You do solemnly swear that the evidence you shall give in this matter now pending before the Grand Jury of the County of Los Angeles shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

EXAMINATION

BY MR. HECHT:

Q Mr. Talmachoff, what is your business or occupation?

A I'm Chief of the Criminal Division of the Los Angeles County Clerk's Office.

Q Mr. Talmachoff, I asked you to bring a number of items with you. Did you bring the Court Order issued by Judge Alarcon?

A I have the original Order and a certified copy of it.

Q May I have it, please?

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A Yes, thank you.

MR. HECHT: Mr. Foreman, Mr. Talmachoff has given me a Superior Court Order and a certified copy of the original that was made by Judge Alarcon in hec verba.

May this be marked as Exhibit 39?

THE FOREMAN: It will be so marked.

BY MR. HECHT:

Q Did you take this from the official business records of the Los Angeles County Clerk's Office?

A Yes, I did.

Q All right, thank you, Mr. Talmachoff.

Will you please tell the Grand Jury your job title?

A Chief of the Criminal Division.

Q How long have you had that title?

A Since 1963.

Q Prior to that time, what was your experience insofar as the Clerk's Office was concerned?

A I have been employed in the County Clerk's Office since October of 1941.

Beginning from the beginning I worked in the civil areas and then I went into the Service in 1942 and came back in 1946.

I resumed my employment in the civil areas, civil filings and trial divisions.

I became a court clerk in the civil court and continued to work on the civil side until 1952.

In 1953 I worked on the Master Calendar, Pasadena

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Branch.

Returning from Pasadena in '54, for a very short time I worked civil but from that time on I worked in the Criminal Master Calendar as a court clerk.

I worked as a criminal court clerk from 1955 and then I went to Juvenile and worked there as a court clerk for about a year and a half and then I went to the Psychiatric Section and worked there for approximately ten months.

From there I came back to the Juvenile area as the office manager and I remained there from 1958 until 1962, at which time I came back to the criminal division as the Assistant Chief.

In 1963 I became the Division Chief and I've held that position since that time.

Q What are your duties in connection with your present assignment?

A I am the top management of the Division. I'm in charge of the Division.

Q Please go ahead.

A I'm responsible for the conduct of the Division. I'm responsible for the assignment of duties between the different individuals.

Q Is one of the responsibilities of your Division the handling of criminal case exhibits?

A Yes, sir.

Q What are the various methods by which an exhibit in a criminal case comes into possession of your Division?

A The most frequent manner by which we receive the

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exhibits would be through the preliminary hearing process in Municipal Court.

After a person is held to answer, these exhibits are then transmitted along to us with the complaint and that is our initial contact with them.

Another method by which we would receive original exhibits would be through the Grand Jury process.

If the Grand Jury holds proceedings and an Indictment is voted on, then they send us the exhibits and we received these exhibits.

A third method would be that we receive exhibits from our trial courts.

In other words, various documents and physical objects are entered into as exhibits in the trial courts, and they later come to our exhibit division for safekeeping pending appellate and post-trial proceedings.

Q Did you bring with you, pursuant to my request, a copy of the letter signed by Attorney George Shibley dated August 17, 1970?

A Yes, sir.

Q This is from your official business records and files?

A Yes, sir.

MR. HECHT: Mr. Foreman, the letter that Mr. Talmachoff has just brought with him, may that at this time be marked Grand Jury Exhibit Number 43?

THE FORMAN: It will be so marked.

43

BY MR. HECHT:

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Q Did you bring with you a copy of a document entitled, "Record of Viewing of Exhibits - Sirhan case"?

A Do you mean the log, sir?

Q Yes, sir.

A I did.

Q May I have it, please?

A Yes.

Q Did you bring a copy of that with you?

A I've copies but I don't have certified copies.

Q I don't want a certified copy, but if you have a copy that will be just as satisfactory.

A Yes, I do, but it is not quite as legible as the original.

Q I think it will be satisfactory.

MR. HECHT: Mr. Foreman, with your permission, I would like to mark this Grand Jury Exhibit Number 44 for identification.

THE FOREMAN: It will also be so marked.

44 id.

BY MR. HECHT:

Q Did you also bring with you certified copies of the exhibit viewing slips, Mr. Talmachoff?

A Yes, sir.

Q May I have those, please?

A Yes. I have the originals attached to them.

Q Now, let me indicate precisely what you have.

You have just given to me what appears to be the originals?

A Yes, part of the originals.

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Q What are the rest of these documents?

A Certified copies of that group of originals.

Q Do you have any Exhibit Viewing Slips?

A Yes, sir.

Q And where are they?

A They are in two different piles.

Q Someone had requested these first from your office, that they be separated in this particular manner.

A I did not prepare these myself but they were prepared under my supervision and direction.

Q May I remove the originals and give them back to you?

A Yes.

Q I take it the second group was attached to the first group so we have what I believe to be a set of Viewing Slips?

A Yes, sir.

MR. HECHT: With your permission, Mr. Foreman, may I take these and mark them as a group as Grand Jury Exhibit Number 45?

THE FOREMAN: It will be so marked.

45 BY MR. HECHT:

Q All right, Mr. Talmachoff, do you have procedures established in your Division in connection with the display and exhibition of criminal case exhibits, which you have in your custody, care and control?

A Yes, sir.

Q Will you explain those proceedings to the members

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of the Grand Jury, please?

A If anyone wants to see an exhibit, they come to our exhibit intake area and they make their request.

We have a form which we call a viewing slip. We request they complete the viewing slip form.

The exhibit clerk will then check to see if we have that exhibit.

We have what we call a guide envelope and that is an envelope containing the receipt slips which describes the exhibits in the case.

The guide envelope is the locater index to where we store the exhibits.

The exhibit custodian clerk would go to this guide envelope, pull it, verify that there is such an exhibit that the person has requested.

He would pull the guide envelope, examine the contents of the envelope, examine any markings that may be on the envelope itself as to any limitation on the viewing.

If there were none, he would then obtain the exhibits or exhibit for the person requesting to view the exhibit.

Q Has your Division, since the time you have been Division Chief of the Criminal Division, ever been assigned certain responsibilities in connection with restrictions as to the availability of the original exhibits in a criminal case, pursuant to a court order?

A Frankly, I cannot recall if we had any such court orders prior to the Sirhan case.

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There may have been, but I just cannot recall.

Q Was the Sirhan case, in fact, probably the only case such a court order was made?

A Well, I think so, up to that point in time.

Q As a matter of fact, in the Sirhan case, there were two court orders imposing certain restrictions on the exhibits, were there not?

A I think there were two written court orders but I think throughout the trial there were different orders made relative to the exhibits.

I cannot recite those verbatim, but I think there was an order made on June 14th, a Minute Order made on June 14, 1969, which I believe was an amendment to Judge Alarcon's Order.

Q Do you have that with you, sir?

A I have a copy.

Q Well, Mr. Talmachoff, let me show you a transcript of what purports to be a conversation between Mr. Burnett and a man named Robert Kaiser.

MR. HECHT: First of all, Mr. Foreman, may this be marked Grand Jury Exhibit Number 46?

46 id THE FOREMAN: It will be so marked.

MR. HECHT: I also have a picture of what purports to be a picture of a person by the name of William W. Harper.

May this be marked Grand Jury Exhibit Number 47?

47 id THE FOREMAN: It will be so marked.

MR. HECHT: I have further what purports to be an Index to Exhibits -- Grand Jury presentation (June 7, 1968) and Index

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to Exhibits -- Sirhan case -- Trial.

May this combined index be marked as Exhibit Number 48 for identification?

THE FOREMAN: It will be so marked.

48 id MR. HECHT: Thank you.

Now, you've handed me a two-page document dated January 14, 1969, and on the second page there is the following language:

> On motion of the People and the defendant Judge Alarcon's Court Order is modified to permit the People and the defense counsel to inspect exhibits in County Clerk's Office.

May this be marked Grand Jury Exhibit Number 49 for identification?

49 id THE FOREMAN: May be so marked.

BY MR. HECHT:

Q Do you have a practice in your Division, Mr. Talmachoff, of making any notations on the case guide envelope where exhibits are not to be viewed or to be available to members of the public?

A The notation that would be made is not necessarily the notation that would reflect what you're saying.

The notation that would be made would be a notation based on any special handling that the particular exhibits may require.

If you will permit me I will give you an example of a different situation.

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We have a request from the District Attorney's Office in a particular case, a written request wherein the District Attorney has asked that in the event of the opposing side wanting to see that particular set of exhibits they would like to be notified so that someone from the District Attorney's Office will be present. This is the type of notation that we put on the cover of the guide envelope so it will be the first thing that will hit the eye of the exhibit custodian clerk.

Q Would you say that an order restricting the availability of the exhibits in the case of the importance of the Sirhan case would be the kind of case in which there would be notations, to use your language, to hit the eye of the custodian clerk?

A Yes, it would.

Q Generally speaking, these restricted court orders are, in fact, rare so far as the restriction is placed on viewing the exhibits is concerned, isn't that true?

A They are rare.

There are some that have occurred, but I think there has been more activity in that area of limited viewing or limited publicity in the recent few years than there ever have been in the prior years.

Q And this occurred in connection with criminal cases?

A Yes, sir.

Q Insofar as the differentiation might be made, the Sirhan case was a major criminal case?

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A Yes.

Q Did you bring the guide envelope of the Sirhan case with you?

A Yes, I brought the guide envelope but this is not the original guide envelope.

We cannot locate the original guide envelope.

Q All right, will you show me what guide envelope you have brought with you?

A I have three guide envelopes.

In 1970 we changed the form of the guide envelope. The form used to be an envelope of this size without any printing on it.

To improve the efficiency of our system and the disposition of the exhibits, we had a printed form and one of the employees discarded the older form when they made up the new form and removed the contents from the old envelope and placed those contents into these three envelopes.

There is so much material that it wouldn't fit into one envelope, so the material was spread over three guide envelopes.

Q I don't know if all of the Grand Jurors can see from their respective vantage points, but you are displaying certain language on the first guide envelope about a Court Order, is that right?

A It says, "See Court Order about exhibits".

Q When was that language placed on there?

A Recently, when the envelopes were changed.

Q It was not on there prior to June of this year,

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is that correct?

A That's correct.

Q That language was placed there a few days prior to the interview you and I had on June 10th of this year?

A Probably; if that is the correct date.

Q Can you tell us when the Sirhan Bishara Sirhan exhibits were sent from your office up to the Supreme Court?

A Only certain exhibits were sent.

They were sent from here to the Supreme Court Clerk's Office in Los Angeles and that, I believe, was January 13, 1971.

Q You say that some exhibits were sent during the month of January, 1971?

A Yes, sir.

Q Was that most of the exhibits or just a few?

A There were quite a few that were sent.

I think the great majority was sent.

Q Are you telling us that the language that was supposed to hit the eye of the Exhibit Clerk, alerting him to the fact that there was a court order regarding the exhibits, was put on there after you no longer had most of the exhibits in your custody?

A Yes, I told you it was put on in June of this year.

Q What use would that language be when you no longer had the original exhibits to show to anyone?

A We still have the original exhibits in our possession.

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Q You still have the original exhibits in your possession?

A We still have some today, yes.

Q How many do you have?

Very few, do you not?

A Not necessarily very few. I would say, well, I would guess, offhand I would guess about 17 or 20 exhibits.

Q How many exhibits were introduced in evidence during the Sirhan case?

A Again quite a few.

I cannot tell you the exact number.

Q Well, over 100?

A Yes; I think the exhibit numbers went over 100 and, of course, the defense had exhibits, too, which would be alphabetical.

Q Can you tell us why that language was not placed on that envelope prior to June of that year?

A The explanation for that is something that I cannot give you because I'm not the one that discarded the old envelope and made up the new envelope.

If there was an expression on the old envelope, it should have been carried on to the new envelope.

Q If I recall your testimony accurately it was that you cannot locate the old guide envelope?

A No, sir, we cannot.

Q Can you tell us with certainty that the old guide envelope contained language that was supposed to alert members of your staff to the existence of the court order?

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A I cannot tell you with certainty.

Q As a matter of fact, you cannot recall if it contained such language; isn't that true?

A No, I cannot.

Q During the term of the 1968 Grand Jury, Mr. Talmachoff, and you know that was the same Grand Jury that indicted Mr. Sirhan, the Grand Jury made certain representations as to the handling and preservation of the exhibits.

Are you familiar with that portion of the 1968 Grand Jury Report?

A I have a recollection of it, yes, sir.

Q When did you first see that, if you can recall?

A I can't tell you for certain.

Q Were you the Chief of the Criminal Division at that time?

A Yes, sir.

Q Do you have in mind, as you sit here, do you recall if the 1968 Grand Jury was in part concerned with the integrity of the exhibits maintained by your Division?

#5 A I think that expression may have been included among others, but I don't recall the specific word "integrity" at this time.

Q Can you tell us what was done to implement and respond to the recommendations of the Grand Jury in connection with the handling of the criminal exhibits?

A At the time we had a very extremely crowded situation. We had limited space. We had exhibits scattered

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in a number of different rooms throughout this building.

We had vermin problems; for example, one package was being torn apart by mice and the contents thereof scattered and this would be even a few minutes after a package would be cleaned up we would find the vermin had come back and gotten to it again.

We had terribly crowded conditions.

Unfortunately, not having the Grand Jury Report before me, I cannot recall the specifics so I cannot respond to the specifics.

Q In any event, is there any doubt that the 1968 Grand Jury was, in fact, concerned with the proper control, handling and preservation of the exhibits which came into the custody of members of your division?

A No doubt at all in my mind.

Q All right, let's go back in point of time to the date the 1968 Grand Jury returned the Indictment which was on June the 7th of 1968.

Were you present in Department 100 which at that time was presided over by Judge Alarcon, when that Indictment was returned?

A I believe I was.

Q Did Judge Alarcon convey to you the contents of a certain court order which was later served upon your office?

A Yes.

Q Had Judge Alarcon discussed any aspects of that order with you prior to the time he read it in open court on June 7th?

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A I cannot recall at this time.

Q Did you have any difficulty in hearing what Judge Alarcon was saying in court on that particular date?

A At this point I cannot recall too well the entire proceedings in court, but I would say I did not have any difficulty in hearing Judge Alarcon making whatever order it was.

Q Do you recall during those proceedings that Judge Alarcon made a specific order to be served upon your office regarding the safeguarding of the exhibits pending the determination of the case?

A I cannot recall that specific language but I assume it was made.

Q Do you further recall Judge Alarcon ordering that after the making of the order that copies of that order be served upon certain offices and agencies, including your division?

A I cannot recall, but I assume he did.

Q Do you recall that the Sheriff did serve a copy of that court order on your office?

A Again I cannot recall that particular part but I assume it was done.

Q During all of your experience in the Clerk's Office, including but not limiting it to your present assignment as Chief of the Criminal Division, how many other cases do you recall where the Chief of the Criminal Division was present when the Indictment was returned in Department 100?

A I cannot say the exact number but very, very few.

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Q How many occasions can you recall where that kind of restrictive order was read, both in open court to representatives of the Clerk's Office and later served on your office?

A I cannot recall.

Q This was a rather unique situation?

A Yes, it was.

Q Was there anything unclear or ambiguous about Judge Alarcon's express intent that the exhibits received by your department at that time should not be made available to anybody without first obtaining a court order?

A No, I don't believe so.

Q What did you personally do in order to implement Judge Alarcon's court order?

A I'm not able to recall the facts following the incident at that time at this particular time.

In brief, my recollection is that the Indictment was returned late in the afternoon of that particular date, and it's my recollection there was an arraignment proceeding scheduled immediately thereafter at the County Jail.

I cannot recall whether the exhibits were handed to me directly and I, in turn, gave them to Mr. Wilson who was Assistant Division Chief, or whether Mr. Wilson received those exhibits from someone else directly, someone from the Grand Jury itself.

But they were received by Mr. Wilson for verification of the exhibit listing and the exhibits themselves were placed in one of our safes in a separate locked drawer and kept there, I believe, except that one exhibit was

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a rolled chart and was so large it could not be kept with the rest of the exhibits in the safe and in the locked area.

As I recall, there were only two keys to this locked area, one was held by myself and one by Mr. Wilson and the rolled chart would not fit into the drawer and I believe we placed it elsewhere with a special notation relative to its handling.

If you would like, I have a copy of that notation here.

Q In connection with the efforts made to implement Judge Alarcon's court order, did you write any memos to members of your staff alerting them of Judge Alarcon's order?

A I don't recall of having written any memos.

Q Did you give any instructions?

A I'm sure I did.

Q To which persons did you give such instructions?

A I cannot recall specifically saying what to whom, but as a matter of practice I'm sure I did speak to Mr. Wilson.

I'm sure I spoke to the head of the section and possibly to all of the employees working in the section.

Q What is Mr. Wilson's first name?

A Richard Wilson.

Q Is he still a member of your staff?

A No, sir. He's in the chief administrative officer's office now.

Q And during the time between Judge Alarcon's order and the later court order issued by Judge Walker, what did you

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personally do to see that the Alarcon order was continually followed by members of your staff?

A We kept those exhibits locked in that drawer I mentioned. We maintained a document called "Record of Use of Exhibits."

Q I note on the filled in portion of that document there are dates and the next column is the department and the next column the name and the next column is the purpose and the last column says "Authorized".

Would you explain the purpose of keeping that document, please?

A I cannot recall whether we started this before or after Mr. Sharp, the County Clerk, gave us oral instructions to keep a record of the people who came in to look at the exhibits in the case.

Q Would you have done this without Mr. Sharp specifically telling you to do that?

A Yes, that's why I say I can't recall we did it before he gave instructions or after. It is possible that we started it before.

Q Can you tell us what efforts you engaged in personally to notify members of your staff that Judge Alarcon had, in fact, issued such a restrictive court order about the exhibits?

A Again, this is remote in time. However, I believe we made copies of the court order, at least one copy of the court order was circulated among the members of the exhibit staff and it was scotch-taped or pinned to the wall just within

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the exhibit room.

Q Did you bring that document with you?

A I do not have that particular document.

Q Are you certain that particular document was, in fact, the Alarcon order and not some other document?

A At this point in time I cannot say for certain.

Q Did the court order issued by Judge Alarcon which he read aloud while presiding in Superior Court, generally was concerned with publicity and with the integrity of the exhibits?

A Yes.

Q All right; let me call your attention to Friday, May 19, 1969. Were you personally present in the chambers of Assistant Presiding Judge Charles A. Loring?

A Yes; but what was the date?

Q Friday, May 19, 1969?

A There was a meeting in Judge Loring's chambers, but I'm not positive that was the date.

Could it have been the 16th?

Q You're correct, May 16, 1969.

A Yes; I believe so.

Q Was there such a meeting at which you were present?

A Yes, sir.

Q Now, you say that with a certain amount of certainty.

Do you remember that I identified that conversation to you at 9:00 o'clock A.M. on Thursday, June 20, 1971,

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in Mr. Busch's office?

A Yes, I do.

Q Do you recall at that time telling me that you had a vague recollection of being present at such a meeting?

A Yes, sir.

Q In view of the fact that your memory was vague at that time when I asked you about that meeting, has anything happened between your conversation with me and now that has refreshed your recollection as to that meeting?

A Yes, it has.

Q And what is that?

A I received a copy of the transcript of those proceedings of -- of that meeting.

Q I made that copy available to Mr. Sharp?

A Yes, I believe you did.

Q Also present, as the record reflects besides Judge Loring was Judge Walker, Deputy Chief Robert A. Houghton, Deputy District Attorney David Fitts, Chief Deputy Emory Hatcher, Division Chief Peter Talmachoff -- that's yourself -- and Mrs. Alice Nishikawa?

A That's correct. I believe there was a court reporter present, also.

Q There was a court reporter taking down the proceedings?

A Yes, there was.

Q What was Mrs. Nishikawa's function?

A Mrs. Nishikawa was the court clerk assigned to Judge Walker. She was the court clerk throughout the Sirhan

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case as it progressed in Judge Walker's court.

Q And what were the circumstances that led up to your being personally present in Judge Loring's chambers?

A Well, there were questions relative to the handling of these exhibits.

Q Who raised those questions?

A I cannot say at this time. I don't recall.

Q How did you know that there were questions raised as to the handling of exhibits which resulted in your being present?

A Well, I believe I was told there was going to be a conference concerning the exhibits in the Sirhan case but that they were going to have a conference about it, because although the exhibits were in our possession there was an interest in making it available to the public so that the public could have the information as to the availability of these exhibits.

Actually, of course, the exhibits are always available to members of the public, but in this case -- I'm not certain at whose insistence the meeting came about -- it could have been either Judge Walker himself or possibly Mr. Younger, the District Attorney, but, in any event, they decided to have a meeting and decide on how to handle this aspect of the exhibits at that particular meeting.

I'm not certain at this time at whose request the meeting was called. All I can say is that chronologically, sir, it occurred after Mr. Sirhan was found guilty and I believe that date was April 17th and then the death penalty was

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returned on April 23rd.

Q So the meeting in Judge Loring's chambers took place well after the exhibits had been introduced and used in the court proceeding, during which time they were under the control of the court clerk in the courtroom?

A Yes, that's correct.

Q Now it was a question that the exhibits would be taken from the courtroom and placed in the custody of the County Clerk's Office on the 4th Floor?

A That's correct.

Q Do you have any quarrel with the chronology that I'm now relating?

A I'm not aware of any errors in what you have said.

Q In view of the fact that you were invited to attend these proceedings, did that suggest to you that some portions of that meeting would be concerned with some aspects of your division?

A Yes, sir.

Q How long did that meeting take place?

A I cannot recall, sir.

Q You already have indicated, that you noted the presence of the court reporter?

A I know there was a court reporter by virtue of our having a transcript of that meeting.

Q During the time you had been in your present position, how many other meetings, either in or out of chambers have you attended that were reported and transcribed where one of the many articulated purposes of those conferences

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was to establish strict procedures with respect to the handling of exhibits?

A I cannot recall any other.

There may have been, but I just cannot recall.

Q In all fairness, then, this was a rather unique and unusual procedure?

A Yes, it was.

Q Do you recall the substance of the meeting?

I'm not asking you to testify verbatim but do you recall the substance of the matters that were discussed at that meeting?

A Having refreshed myself on the transcript, I do.

Q Do you agree at the time you were interviewed on June 10, 1971, you told me you could not recall that conversation?

A Yes, sir.

Q Did you consider the matters discussed during that proceeding insofar as they related to duties of your division very important?

A Yes, sir.

Q Did you take notes during those proceedings?

A I don't recall at this time.

Q Did you prepare a written report concerning the subject matter of those proceedings insofar as it related to your respective duties?

A No, sir.

Q Were any statements or instructions relative to the operation of your division which were made during that meeting,

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were there any that were felt by you to be unclear or ambiguous?

A I don't believe at the time of the meeting I had any such feeling.

Q Have you ever requested any clarification from either the County Clerk's Office, the Superior Court or the District Attorney's Office in connection with the roll of the Clerk's Office, as it was discussed during that proceeding?

A No, sir.

Q Having in mind that you took no notes, did you request any such clarification?

A No.

Q What subsequent action did you take after attending this meeting?

A One of the purposes of the meeting was to decide the form of the order that would be issued by the court, and during the meeting there was an indication -- not just an indication -- but just as a matter of fact Judge Walker requested that the District Attorney prepare such an order. At such time as the order was prepared and signed by Judge Walker, we received our directions as to how to handle the exhibits.

Q In effect, they were written instructions for your handling of the exhibits and they would have been in the form of this court order?

A Yes, I believe so.

Q Well, I'm referring now to Page 4, and because I have the Xerox copy of the transcript that was given to you

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that may not come in the precise place, but in my copy, starting on Line 13, Judge Walker said:

"I know Alice has kept track of it. It is not going to be any problem to figure it out.

"And then we come to the second problem, as I see it. These exhibits were extremely valuable and they're going to go up on appeal and to have them mutilated or even some of them, it is going to be very bad, and I think particularly if they are not in packages."

Do you recall that language?

A I'm not sure, but if it is in the transcript then certainly Judge Walker did say that.

Q There were a number of references made to the packaging of exhibits during that proceeding?

A I don't believe so. You say a number of references and I think there were several references but not quite in that context.

Q All right, sir.

What efforts did you make to see that the exhibits were packaged so that none of the exhibits could be mutilated so that basically the evidence would remain in the same condition it was as it was presented in the courtroom?

A We do not claim to be experts in knowing whether an item or any items could be mutilated.

We, as a practice, use the same package, the same envelopes that are used by the ballistics experts, as we feel they are more expert in this particular area.

Q Did you advise Judge Walker that you did intend to

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package any of the exhibits?

A It depends upon what you mean by packaging.

We put things together in envelopes and stored them all away.

Q There was some reference made to the use of plastic containers for certain of the exhibits.

Would that plastic or maybe cellophane, when that language was used, as I understand it, by Judge Loring, who is not adverse to people viewing the exhibits that were used but he wanted them to view it through something that was transparent.

A I don't recall that.

Q You don't recall any discussion as to the safeguarding of the exhibits or the markings on the exhibits?

A Well, there may have been some discussion about it.

Q Do you feel that there may have been some discussion as to what the precise extent of your responbility may have been in connection with packaging exhibits?

A I did not feel that we were expected to repack in some unique way the items contained in the case.

On Page 5 of the transcript I have, there appears the following:

"JUDGE WALKER: Well, it could be supported by a Minute Order, but I think there should also be an actual signed order, I thought.

"MR. TALMACHOFF: I would like to recommend you do this. We had this at the very beginning of the

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case and it is quite helpful to us to be able to show a copy of the court order with the Judge's signature on it."

Did you make that statement?

A As best as I can recall, yes.

Q In other words, that statement would seem to indicate that you did have a copy of the court order and most likely knowing the chronology of the case, because you refer to the "very beginning of the case", that would have been Judge Alarcon's order?

A Yes; I think that's right.

Q All right, then the transcript continues:

"JUDGE WALKER: Well, we can write up an order covering it in particularity.

"Now, getting back to our second problem, we have got these bullets, we have got the gun, and I've even had a request from some woman that got hit with one of these bullets. She wanted it for a souvernir. I have already told her where she can get it.

"What I'm trying to do is to set up something like this, that the actual exhibits are not exhibited to these people in some manner, so they are not mutilated or lost or anything else, because it is easy for these exhibits to get lost in your office and everybody is in a mess. I understand that maybe you could have copies that the public could see."

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Do you recall that language?

A Not independently, but I recall reading it in the transcript and I'm certain that Judge Walker said that.

Q Did Judge Walker later issue a court order, did he not?

A Yes.

Q When you were in Judge Loring's chambers and the content of that court order was being discussed what method did you contemplate using to bring to the attention of your clerks the court order issued by Judge Walker?

A Well, first as to this question of packing materials, that would be the envelopes the items came in.

We would put those into regular size envelopes, and pack them into boxes and put the boxes out of circulation.

Q You're telling me now, as I understand it, what you expected to do?

A Well, wasn't that your question?

Q I'm talking about communicating the contents of the court order to the exhibit custodian clerks.

Were you thinking of any way in which to communicate the contents of the court order so that no one could see the exhibits except the attorneys without an order of court?

A Well, I think there are a couple of aspects there.

One is to see the court order and that court order would tell them that nobody except the attorneys were entitled to see the exhibits.

Now we had certain of these exhibits duplicated so that they would be available to the People, to the public so

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that they could come in and see these copies and if they wished they could order certain of these exhibits.

There are certain exhibits which I understand, like the autopsy pictures, were absolutely not to be reproduced.

Q I'm not quite sure that you're answering my question.

I want to make the question as clear as possible. What efforts, when you got Judge Walker's order, what efforts did you make or did you personally engage in to make sure that every one of your custodian clerks saw the court order so that they would be familiar with the contents of the court order?

A Again I cannot recall the specific actions taken. I know that a copy of the court order was taped to the exhibit section. I know the supervisor was informed about it and we put a copy of the court order in the guide envelope.

Also there was a copy of the court order and I can visualize it. There was a copy of the court order that was affixed to the bulletin board which is in the exhibit area.

Q As I understand it, you had a copy of the court order placed in the original guide envelope which may or may not have had the cautionary language that would hit the eye of the exhibit custodian clerk?

A Yes, sir.

Q Can you tell me with certainty whether a copy of the court order was pasted to the bulletin board in your office?

A At this point in time, no. I feel we did, by my

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visualizing it. I know we had a document pinned up there but I can't tell you at what point in time it was.

I don't want to give the impression that we just put it on the board and we just left it there and that's all we did. But I do know that we did have the court order pinned on the board.

Q You indicated you expected a great deal of turnover in certain areas in a certain time.

Did that include the exhibit custodian clerks?

A That is why I made a qualification -- excuse me -- at that point in time we had a different classification of employee.

Starting in 1967 I tried to get that position reclassified and upgraded so there would be less turnover taking place.

Prior to the actual reclassification and the acquisition of the level of the employee that we now have, we had quite a turnover in the exhibit area and it was quite severe.

In an attempt to reduce the turnover in the exhibit area, we took the employees that we considered more stable, in terms of turnover, not necessarily the most competent or highly qualified, but these were the people we felt would remain with us for a long period of time, so these employees formed the nucleus of the employees in the exhibit section.

There were what you might call fringe-type employees, who would be in or out and only stay there a short

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period of time, but we had this nucleus of employees who were there much longer than the average employee would be in our file or record section.

Q Is it reasonably correct to say that you got a new crew down there every three months?

A Where, sir, the whole office?

Q Do you recall taking a polygraph examination in this examination?

A Yes, I did.

Q Do you know at this time the conversation between you and the polygraph examiner was tape recorded?

A I believe it was, sir.

Q I have what purports to be a transcript of that conversation and I invite your attention to the following question and the following answer.

"Anyway" --

Well, perhaps I can shorten it by referring to this part of the answer;

"We had every three months a different crew".

Would that be correct?

A Yes, it would.

Q You had a new crew every three months?

A Approximately.

Q Was that for the exhibit section?

A For the office generally.

Q But how about the exhibit section?

A Well, I think with the nucleus that we had, that they stayed there longer.

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Q Do you have the same crew of people working there that you had when Judge Walker issued his order?

A No, sir.

Q Do you have an entirely different crew down there now?

A Yes.

Q In the exhibit section?

A Yes, sir.

Q During the past two years have you, in fact, been concerned with the caliber of the employees that you have been getting in the Clerk's Office?

A Yes.

Q Are you charged with the hiring and training of persons in your department?

A Yes.

Q And how are they recruited?

A Mainly through the civil service.

Q So you do expect vacancies in your department and that would not be an unexpected event?

A That's true.

Q What training do you provide for new employees in your division?

A Again it depends on the various areas but usually it's a form of on-the-job training, the exposure to the work itself, the counseling by the supervisors and we have several levels of supervision between myself and the employee himself. It's primarily some part of a pragmatic type training where we expose them to the work and they become acquainted with it.

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Q Has the caliber of the employee who works as an exhibit custodian clerk in your office been of concern to you in the sense that you weren't satisfied with the level of employee you may have received down there?

A Yes, sir.

Q Having in mind that you can anticipate a certain amount of turnover in your employees and that at least in your opinion the caliber of the employee was not as you would like them to be, what precise efforts did you make to see if the new employees coming into your division who were assigned to the exhibit custodian section were informed as to the nature and contents of Judge Walker's Order?

A I personally did not give special instruction to these employees concerning Judge Walker's order. I left such matters to the supervisors who worked specifically with the employees.

Q What supervisors are you speaking of?

A Initially --

Q Are you going back to when the case first concluded?

A I'm going back to the time when I first got the court order from Judge Walker. At that time I believe I did talk with the employees. I believe Mr. Wilson, who was the assistant division chief, talked with the employees.

I believe that Guy Tracy also conferred with the employees.

Q When you conferred with the employees did you give them instructions as to what they were supposed to do?

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A I showed them the court order and discussed it with them.

Q Did you check to see whether your conference with them resulted in your instructions being carried out?

A In certain areas, yes.

Q And in your conversation with me on June 10, 1971, I'm referring now to Page 9, did I ask you the following question:

"What method was used to disseminate the contents of the court order to any new employees that might come on the job, after you were served with Judge Walker's Court Order?

"ANSWER: It's not my recollection we discussed the Sirhan case with any new employee.

"It is my recollection that such instructions should have been given by the supervising clerk, Mr. Richard Buckley, who, at that time, would explain the general practice in the handling of special exhibits.

"QUESTION: Did you specifically tell Mr. Buckley to instruct all new employees in connection with the unique way the Sirhan exhibits were to be handled?

"ANSWER: May I make this observation, may I first make the observation that Mr. Buckley became a supervisor of the section much longer after the exhibits were received.

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"QUESTION: Were any written memorandums made by you to any section supervisor or employee whether they were in a particular supervisory level, in order to communicate the contents of Judge Walker's Order to such people?

"ANSWER: I don't believe so."

Now, did you bring any copies of such memoranda at all?

A The only thing I have is Judge Walker's Order, that's the only thing I have.

I don't think we have anything written other than Judge Walker's Order.

Q Were copies made of the gun, the exhibits and the ballistic evidence?

A Copies were made of many of the exhibits but not of all of the exhibits.

Q Those were copies made of the documents, the various documents introduced in trial?

A There were photostats made of some of the hard exhibits.

Q By "hard exhibits", what do you mean?

A I mean the gun, the mock-ups, and some other large photographs.

Q Was the Sheriff's Office assigned some responsibility in connection with making those copies of exhibits, not documentary stuff?

A I cannot recall if they were assigned anything. That is my recollection but it may not be a good one.

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I think we worked out arrangements and it was either the Sheriff's Crime Lab who were going to take pictures for us.

Q During the conversation in Judge Loring's chambers, and I'm referring now to my copy, on Page 11, Judge Walker said:

"Getting back to all of this thing that is supposed to be exhibited or could be exhibited, how are we going to handle this and keep them from having the originals?

"MR. HATCHER: Our office could duplicate every single exhibit that could be duplicated and only those that could be duplicated."

Did your office actually duplicate the documentary exhibits?

A Yes, we did.

It wasn't done as fast as I liked, but eventually we got all that done.

Q All right, the transcript goes on:

"JUDGE WALKER: Well, that is all right with respect to physical exhibits, like papers and things like that, but we have got the coat, we have bullets, we have got expended shells, unexpended, and so forth, which are physical.

"JUDGE LORING: Well, I think they could be put in some kind of a plastic or cellophane container that can be seen through without being able to touch them."

Was there any doubt in your mind that Judge Loring

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and Judge Walker felt that the bullets and the expended shells and the ballistic evidence should be placed in plastic or cellophane containers?

A I don't think that was an order. I think that was just a suggestion.

Q When Judge Walker made his court order restricting access of the original exhibits to attorneys of record, did you feel it was anything unclear about the statement at the time it was made?

A No, sir.

Q Did you ask for any clarification at that time or any later time?

A No, sir.

Q Did you ask for any clarification in regard to Mr. Harper personally, did you feel that Mr. Harper should be given unlimited access to the ballistics material without obtaining a court order?

A Well, I don't know about the use of the words "unlimited access".

First of all, I don't think it was unlimited access.

Q All right; I'll modify that language.

I will say that Mr. Harper was given access to the exhibits.

A I would like to say that in having access, it doesn't mean that the whole package was handed to Mr. Harper and Mr. Harper was told, "You can do what you want with it."

That's why I say it was not unlimited.

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The items, as asked by Mr. Harper were handed to him but Mr. Harper was under surveillance as far as I know during all of the time he was bearing these items.

Q Were you present during that surveillance or this alleged surveillance?

A No.

Q Can you explain why Mr. Harper was given the opportunity to see and handle the original exhibits, or at least some of the original exhibits, including but not limited to the ballistics evidence in the case?

A I can only speak in terms of what I think was done because I was not the one who actually entered into any of these transactions with Mr. Harper.

If you will permit me, I will explain, as I think it happened.

Q Yes; go ahead, thank you.

A Mr. Harper came in on a particular date, I believe it was August 12, 1970, and supposedly asked to see the exhibits.

I believe Mr. Harper was told that he could not see the exhibits without a court order.

I will state this as hearsay because I am really telling what I have heard from someone else and I realize it's hearsay.

Q Don't have any hesitation in that respect.

A But it is my understanding that Mr. Buckley wanted verification of Mr. Harper's representation of working for counsel for the defense.

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I believe that Mr. Buckley called Mr. Luke McKissack, who was the attorney for Mr. Sirhan on the appeal, and he got a telephonic authorization and then permitted Mr. Harper to see certain of the exhibits.

MR. HECHT: I have gone as far as I would like with the testimony of this witness at this time.

I'm sure that the Grand Jurors have a number of questions but he will be back on the stand tomorrow morning.

THE FOREMAN: I'think we'll follow the suggestion of the Deputy District Attorney and we'll continue this session until tomorrow morning.

May we start tomorrow morning at 9:30? Is that satisfactory to everyone?

That appears to be satisfactory, so we'll start tomorrow morning at 9:30 A.M.

Thank you for coming in, sir, and, of course, you need not be instructed as to the necessity for secrecy of the questions you have been asked here and the answers that you have given.

However, I will instruct you to return tomorrow morning at 9:30 A.M. when we can continue with this matter.

MR. TALMACHOFF: Thank you, sir.

(Whereupon, a recess was taken until Tuesday, August 17, 1971.)

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LOS ANGELES, CALIFORNIA, TUESDAY, AUGUST 17, 1971

9:40 A. M.

--oOo--

THE FOREMAN: Let the record show the court reporter is present and the secretary may call the roll.

(Thereupon the secretary complies with the Foreman's request.)

THE SECRETARY: There are 21 Grand Jurors present.

THE FOREMAN: Let the record show the same 21 Grand Jurors who were present at the inception of the case are now present.

You may proceed.

MR. HECHT: I'd like to recall Mr. Talmachoff, please.

(Thereupon, the witness, Peter John Talmachoff, was then escorted into the Grand Jury Hearing Room by the Sergeant At Arms.)

PETER JOHN TALMACHOFF,

recalled as a witness before the Grand Jury, having been previously sworn, was examined and testified further as follows:

EXAMINATION

BY MR. HECHT:

Q Mr. Talmachoff, I have a number of questions given

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to me by members of the Grand Jury at this juncture, which I would like to ask you.

You told us yesterday about what your understanding was how Mr. Harper was given access to certain original exhibits.

Do you recall that testimony on your part, towards the very end of the session yesterday?

A (The witness paused.)

Q In other words, you were not testifying to matters of your own personal knowledge but you were testifying to what presumably others told you as to what had occurred?

A Yes, sir.

If you give me a moment, please, because I have some other things in mind and I'm trying to straighten this out in my mind.

Q Yes, of course.

The question we want to ask you is, who told you concerning the events concerning Mr. Harper that you testified to yesterday, do you remember, sir?

A I'm not sure.

Q I believe one of the things you testified to yesterday was that on August 12th, the day prior to the receipt of the letter from Mr. Shibley, Mr. Buckley, who is the acting supervisor of the exhibit section, made a telephone call to Mr. McKissack's office, I believe, and received authorization telephonically.

Now, I'm asking you who told you that?

A Mr. Buckley.

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Q Yesterday you indicated to us during the course of your testimony that you still have and I believe the number is approximately 20 of the original exhibits of the Sirhan case.

Am I quoting you correctly on that?

A I can't say exactly the number. I would say 20 is not too far from the correct number.

Q Do you recall that you were given a polygraph examination at the Bureau of Investigation in my office on Thursday, July 22, 1971?

A Yes, sir.

Q On Page 19 of the transcript I'm holding, it indicates here that you made the statement,

"But the Sirhan exhibits, including the gun, had been sent to the Supreme Court office in January."

Do you recall making that statement?

A I don't recall the statement but if the transcript says so, I believe that I did say so.

Q Do you know at the time you were questioned by the polygraph examiner that your office still had a number of the original exhibits of the Sirhan case?

A I did.

Q May I inquire as to why all of the original exhibits were not sent into the Supreme Court?

A That, again, is not of my own personal knowledge, but when a request was made to our exhibit section to send the exhibits to the Supreme Court, some indication was made that

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they would only handle exhibits of the smaller size and we had some large bulky exhibits, and it is my understanding that the representative of the Clerk of the Supreme Court indicated to our personnel, "Don't send the large stuff. Send the smaller stuff."

Q One of the Grand Jurors has made reference to Grand Jury Exhibit Number 43, which is entitled "Record of Use of Exhibits"; would you refer to that?

A The log sheet, yes, sir.

Q Does that log sheet represent the total number of transactions in connection with the exhibits that your office engaged in up until the time you went to the exhibit review slips?

A As far as I know, yes, sir.

May I say something else, sir?

Q Yes; please do.

A This is a log or a recordation of the activity from the time we received the exhibits from the Grand Jury until the time of the trial.

During the time of the trial there were occasions when exhibits were at least temporarily taken back and forth and that type of transaction is not recorded in the log nor is it recorded in the viewing slips that I showed you yesterday.

However, I believe those transactions are recorded in the various Minutes of the Court Clerk.

Q Have you ever found that during your examination of all of the materials in your custody any court order giving anyone permission to see the original exhibits of the Sirhan

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case?

A I can't recall all the orders, the various minute orders, but I believe the minute orders covered that type of thing.

There was one stipulation and an order in which Exhibit 114 was released.

Q To whom?

A To Mr. Harper.

Q We are talking about releasing certain exhibits to people viewing them, lay people that came to your counter.

Have you found any court order authorizing anyone to have access to those exhibits?

A No; you're talking about lay people and you're excluding police officers?

Q At this juncture.

A I don't believe so.

Q One of the Grand Jurors is making reference to a question I asked you yesterday during the interview that you had with me on June 10th and I'm trying to find the precise language that I made reference to.

In any event, yesterday you may recall that you made a reference to me where you indicated certain of the difficulties in connection with the clerks or the working of the clerks in your office.

Do you recall that portion of the conversation or a portion of that conversation?

A No, I'm sorry; you'll have to assist me on that.

Q All right; let me look for that during the recess.

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Mr. Talmachoff, did you ever discuss the matter in Judge Loring's chambers with Mr. Sharp?

A I believe so, but I can't remember.

Mr. Hatcher, who you recall was the chief deputy and my supervisor, was also in attendance at that meeting. I would have assumed that he would have made a more direct report to Mr. Sharp than I but I believe I did talk to Mr. Sharp about it.

Q When did you talk to Mr. Sharp about this meeting? What is your best recollection on that?

A I don't recall that I talked to him. I assumed that I did talk to him.

Q Another question from one of the Grand Jurors is, what were the circumstances or what were the reasons for adopting or using a new guide envelope in the Sirhan case?

A Well, that really had nothing to do with the Sirhan case.

That was just -- it was just some progress in the development of our system, the improving of our system.

You asked me a question relative to the 1968 Grand Jury Audit Report and whether we had made any improvements as a result of that report.

I was a little nervous and I may have blacked out a little bit but we had made a number of different changes and one of these changes was to show on the guide envelope certain information which enabled us to do certain processing work in the disposition of exhibits.

We have an on-going program of disposing of

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exhibits. All of our work is practically hand operations. We have very little in the way of automated devices, and, as a matter of fact, in the exhibit section, we have none.

The prior procedure of disposing of exhibits was for someone to run through thousands of guide envelopes and search through and see the type of exhibits, for example, narcotics are disposed of by release to the State Narcotics people who will burn them.

We have, as a matter of fact, a large truck being loaded down there this week.

The guns are released to the Sheriff's Department. There are certain items that are released to stores and the purchasing department for sale.

Out of one case we may have a variety of dispositions as far as the exhibits in that particular case. Instead of hand-culling through to make our initial categorization breakdown, we have a printed envelope on the guide envelope enabling us, at a glance, to make our initial breakdown of types of items for the breakdown for disposition.

So it has nothing to do with the Sirhan case. It just happened to be something we did for all our cases and improving our system.

Q I don't think you have responded quite to my question. You indicated yesterday at some time a series of new guide envelopes was made in the Sirhan case.

You don't recall that on the previous guide envelope that there were any notations that were supposed to hit the eye of the exhibit custodian clerk.

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What prompted the change from the first guide envelope or series of guide envelopes to the use of new guide envelopes in this instance?

A Again, maybe I don't understand your question. But we were changing the guide envelopes and that happened to be the process in which we were involved.

If we see something in changing over from the old guide envelope to the new envelope, of course, all of the information should be recorded on the new one.

Q I'm not indicating to you whether it was wrong or right, but are you indicating to me that the new guide envelope had different information apparently from the older one, the original guide envelope that was used?

A Yes, sir.

Q Was that the reason that the new guide envelope was being used in this instance, because you felt that the new one was some improvement over the old one?

A Yes, sir.

Q All right; in connection with the responsibility with the Clerk's Office, would it be fair to say that the keeping of complete and accurate records is one of the main responsibilities of your office?

A It is one of the main responsibilities, I would say yes.

Q You have brought to the Grand Jury today, and perhaps more precisely yesterday, the Exhibit Review Slips which I have labeled as Grand Jury Exhibit Number 1 through 37, and you have brought a certified copy thereof?

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A That's correct, yes, sir.

Q When were those forms first instituted, Mr. Talmachoff?

A I'm not able to say.

Several years back but I can't say exactly when it was.

Q Was it before or after you assumed the responsibility of being the Chief of the Criminal Division?

A I can't recall whether that was something that went on before I assumed the position or something that was subsequent to that time.

I recall on writing the exhibit manual that we do have a reference to this particular form, but I can't recall exactly when that manual was written but I would say it was written prior to -- I would say 1968.

Q Those forms, whether they are filled out, are they used in your office as part of your business records of your office?

A I'm not sure exactly how to answer that.

There is no requirement that we maintain these forms.

Q When you talk about no requirement, there is no requirement that you conduct business using almost any form but is not that a form you have adopted to execute some kind of a business transaction?

A Yes, sir.

Q Then you do use it as a part of the business records of your office?

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A Yes, sir; but when I said I'm not sure in my own mind that we are required to maintain this in our records indefinitely, that is after a certain period of time, we can discard that.

Q Let's not talk in terms of when such records should be discarded or any code provisions relating to that particular kind of discarding.

We are concerned now with whether those records or business records of your office, whether those forms are an actual part of the business records of your office?

A Yes, I would say they are.

Q They are also official records of the County of Los Angeles?

A Yes; that's correct.

Q They are also open for public inspection?

A That's correct.

Q Do you have any quarrel with the statement that these records should be properly maintained in your files, and that they should be complete and accurate as far as filling them out is concerned?

A No, sir.

Q And what do you do to make sure that these records are being properly kept?

A Personally?

Q Yes.

A In my particular position I don't have, unfortunately, the occasion to review all of the work of the employees.

We have the form. The form is self-explanatory.

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We have the supervisor who is supposed to instruct the employees on the use of the form and I assume the employees who prepared the form were properly instructed.

Q Did you ever make a spot-check to periodically review whether such forms were being maintained properly?

A Not for this type of form.

Q Did you rely on your subordinate supervisors to see that these records were being properly maintained?

A Yes, sir.

Q How many subordinate supervisors do you have?

A Beneath me I have what we call the head of court services and the head of office services.

Mr. Robert Sours is the Head of Office Services and Mr. John Walker is the Head of Court Services.

Beneath this particular level we have at this particular time a Mr. Richard Buckley and under Mr. Buckley we have an acting supervisor who is Mr. Dale Hall.

Q I see a chart behind the desk entitled "Organizational Chart, August 1971."

Would you glance at that chart and tell me first if it relates the table of organization insofar as those positions which the chart reflects?

A Yes, sir.

Q In any event, you have the two heads below you, the Head of Court Services and the Head of Office Services and below that you have an Acting Supervisor, Mr. Buckley, and then you have Mr. Hall in that chain of command?

A Yes, sir.

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Q What do you personally do to see that your subordinate supervisors or personnel are properly doing their job?

A I have conferences, consultations. I continually talk with the people concerning various problems and on various occasions when matters come up in my mind with the need to discuss those matters with the employees, I do so.

I don't have a regular formal program of discussing particular things on particular occasions.

Q I direct your attention to the certified copy of the viewing slips which you have provided us, and I believe they have been viewed by some members of the Grand Jury already.

Will you please take a look at the first one. In the upper left-hand corner can you tell us just by examining that particular document precisely what date that transaction was entered into?

A No, I cannot.

Q Why not?

A The year date is not completed and I can't read this. I'm not sure whether it is July 28th or whatever.

Q Based upon your examination of that record, can you distinguish between those exhibits that this person, apparently Mr. Charach, requested and that were actually shown to him?

A No, sir.

Q Why not?

A Because there is no distinction as to what was asked and what shown.

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As far as I know these items were shown.

Q Is there anything on the record that indicates to you or that you can distinguish between what was asked for and what was shown?

A No, sir.

Q Does the record reflect the name of the County Clerk who participated in that particular transaction?

A No, sir.

Q Where is that?

A I said no, sir.

Q Why is that?

A There is no provision for showing that.

This form doesn't provide a place for showing that.

Q From your present examination of that record, what assurance can you give the Grand Jury that this person was not given the original exhibits to examine?

A Well, on this one line here that shows the string of numbers and it says "photos".

Q Where is that?

A After Exhibit Number 6.

Q After Exhibit Number 6 it says Number 71, Copy of Notebook.

Then, below that, Defendant's I, which is circled.

Then, a little to the right, it says Number 78, Medical-Legal Book.

And then it says, on the next line, Number 30, 3, 7, 8, 35, 36, 39, 52, 53 (photos).

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A That's correct; and my assumption is that the employee working for us showed these items, photos of these particular exhibits.

Q How about Number 78, where it says, "Medical-Legal Book", what assurance can you give us that the person who saw whatever he did see did not see the original exhibit?

A I have none.

Q Now, I see Defendant's I, or Defendant's 1, in the lower left-hand corner with a circle around that.

Do you see that, sir?

A Yes, I do.

Q Do you know what the significance of the circle is?

A No, sir.

Q Do you know the significance of the check mark?

A No.

Q Do you know whether that person was even shown that particular exhibit or not?

A No, sir.

Q All right; if you'll turn over to the next one, and that has been marked Grand Jury Exhibit Number 2 for identification.

Can you tell from examining that record what date that transaction was entered into?

A No, sir.

Q I notice that this form appears to be somewhat different from the form in Grand Jury Exhibit Number 1.

The second form bears the title, "Exhibit Review

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Form" and on the bottom there is the number C-62 and then a space 1/70.

I notice that the first form, the form in Exhibit Number 1, has no title but in the lower left-hand corner it is marked "Co Clk-M-280".

Am I reading that accurately?

A Yes, sir.

Q Referring to the form in Exhibit Number 2, the form entitled "Exhibit View Form" with the notation C-62 1/70, does thatindicate perhaps that this form was made up in January of 1970?

Is my impression correct?

A That would be the printing date.

Q Can you tell us, still focusing on the lower left-hand corner above the notation C-62 1/70 there is OUT/TIME and then INT and then IN/TIME and then a space INT.

Can you tell us what those indications mean?

A You're referring to the printed-in portion?

Q Yes.

A That would be the time on that day that the person looking at that exhibit, the time when it was shown to him.

Q What does the "INT" mean?

A I think that is supposed to be a provision for the initials.

Q Whose initials?

A In this particular case FK.

I take those initials "FK" to be the initials of Fayek K. Abdelmalak.

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Q Are you telling us that this is where the Clerk who waits on the person who came to see some exhibits, makes his mark or puts his initials to identify himself?

A That's right.

Q That is what the INT means?

A Yes.

Q What does the IN/TIME mean?

A When that exhibit would have been given back for return to the exhibit storage.

Once again, the person who receives the exhibits and returns them to storage puts his initials there.

The initials here are FK and that would be Fayek Abdelmalak.

Q Are you telling us that the person who brings the exhibits out is supposed to initial in the second entry, that is the first INT and the person who receives the exhibits back is supposed to initial the last INT entry?

A In using that form, yes, sir.

Q Based upon your examination of that particular document which is Grand Jury Exhibit Number 2 for identification, can you tell us whether you can distinguish between those exhibits actually requested and the exhibits actually shown to this person?

A No, sir.

Q From your examination of that record what assurance can you give to us the person was not given the original exhibits to examine?

A I cannot give you any.

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Q Let's go over to Grand Jury Exhibit Number 3.

That's the third form that you have there, and can you tell us the date that was filled out?

A No, sir, not the year because it wasn't filled out completely.

Q Can you tell us by looking at the entries on that particular form what exhibits were requested as distinguished from what exhibits were actually shown to Mr. Faura?

A No, sir.

Q All right; let's go over to Grand Jury Exhibit Number 4, the next one.

The person viewing the exhibits was Mr. Floyd Parrish; as I read the name.

Can you tell us the date such an examination was made?

A Only as to the month and day.

Q How about the year?

A I cannot.

Q Can you tell us from your examination of that document what exhibits were shown to Mr. Parrish?

A Well, I see the words "Exhibit 71 and Exhibit 73" at the top. So I would assume that they are the exhibits that were shown to him.

Q How do you distinguish between those exhibits that were requested and those that were actually shown?

A I cannot.

Q Can you give us any assurance that Mr. Parrish actually saw what you referred to as Exhibit 71 and 73?

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A No, I cannot.

Q Can you give us any assurance whether he did or did not see the original of those exhibits?

A No, sir.

Q All right; let's turn over to Grand Jury Exhibit Number 5.

That does have a date of June 5, 1969; is that correct?

A Yes, sir.

Q Can you tell me what exhibits, if any, Mr. Nelson requested to see?

A No, sir.

Q Can you tell us from your examination of that record what exhibits, if any, he was shown?

A No, sir.

Q Can you tell us what clerk in your office waited upon Mr. Nelson in this particular occasion?

A Not by virtue of any names or initials.

Q Can you tell us whether that form is different from the form in Grand Jury Exhibit Number 2?

I guess you were using both forms; is that it?

A When you said Grand Jury Exhibit Number 2, what form is that?

Q That is the second in the sequence of exhibits before you.

A This is a later form. The other one is an earlier form.

Q The one marked Co Clk-M-280 was an earlier form?

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A Yes, that's correct.

Q All right; let's go over to Grand Jury Exhibit Number 6.

We have the date and we have the name J. G. Christian.

A Yes; that's correct.

Q Can you tell us by looking at that document if there is anything that distinguishes in the entries as far as the exhibits actually shown from those that were actually requested?

A Nothing that I can tell.

Q Can you tell us what is the significance of the exhibit numbers that are circled as distinguished from those that are not circled?

A I cannot tell you.

Q All right, let's go over to Grand Jury Exhibit Number 7.

We have the date, June 27, 1969, and the name Gerald D. Lenoir.

Is that correct?

A Yes; it is.

Q I see the notation on the bottom of B-19. Would it be fair to assume that it is some exhibit number in the Sirhan case?

A Yes, sir.

Q Can you tell us whether he actually saw B-19, from your observation of this record?

A From this form by itself, no, sir.

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Q All right; going over to Grand Jury Exhibit Number 8, that is dated July 3, 1969, if I read the date correctly?

A Yes, sir.

Q That is dated July 3, 1969, and the name of the person viewing the exhibits is Theodore Charach.

Is that correct?

A Yes, it is.

Q On the bottom there are some notations which are circled.

Can you tell us the significance of the circles around the two entries at the bottom of the page?

A No, sir, I cannot.

Q Can you interpret any of the writing on the bottom of that page, insofar as the operation of your office is concerned?

A I believe the circles refer to one of the files.

I think they have a series of exhibits under this number and I believe that there had been separate numbers that were assigned to them before and I believe that may have been one of those numbers rather than the actual court exhibit number.

Q How about the entry on the left-hand side of the page?

A I cannot make it out.

Q Is it because it is unintelligible, but you can see the writing on the document?

A It is unintelligible insofar as exactly what it means.

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Q All right; let's go over to Grand Jury Exhibit Number 9.

That document, I believe, is dated 7-7-69, and the person viewing the exhibits is John G. Christian.

Can you tell us what significance there is in the circles around the individual entries at the bottom of the page?

A I cannot tell you what the significance of the circles is.

Q From your present observations and from your present examination, what assurance can you give this Grand Jury that the original exhibits were not shown to this person, as distinguished from the copies of the exhibits?

A I cannot say.

Q Let's go over to Grand Jury Exhibit Number 10.

Can you tell by looking at the document what date that transaction was entered into?

A No, sir.

Q This is a two-page exhibit, am I correct?

A I believe so.

Yes; they are stapled together.

I didn't make these copies up, but this could be the back side.

Q And the date is July 15, 1969?

A Yes; there is a stamp.

Q In fact, on the back side of this page there are two stamps, both reading July 15, 1969?

A That's correct.

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Q But on the front page we had the date July 14, sir?

A On the front page?

Q Yes; on the left-hand side, on the first line?

A Yes, that's correct.

Q And there is no year?

A No, year.

Q Can you explain why the front side is dated July 14th and the back side is dated July 15th?

A I have no explanation.

Q Is it possible that Mr. Charach's examination or whatever he examined began on the 14th and concluded on the 15th?

A Well, I would say anything is possible, but it should not have been that way.

Q Incidentally, if somebody comes up, a member of the public comes into your office and wants to see an exhibit which you have under your custody and control, suppose that person takes three, four, or maybe eight hours to examine those exhibits, is it your expectation that your exhibit custodian clerk will remain during that time and watch this indiviudal during that entire time?

A Well, I would say that there would be a clerk in that area who was able to keep that person under surveillance but he doesn't sit directly across the table with him.

Q How many exhibit custodian clerks do you have down there?

A Seven.

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Q Suppose that 14 people come in at or about the same time, how would you take care of those people, keeping in mind that one person might have one member of the public under observation and you wanted to attend to the other people that were waiting to be served.

How would you handle that situation?

A Frankly, we just couldn't handle that many people.

Q Is it uncommon to have that many people come down at one time?

A I don't recall that we ever had that many people coming in at one time.

Q Have you read the statements given to me by a number of your exhibit custodian clerks?

A Yes, I believe I have.

I don't recall them specifically; it's been a long time since I read them.

Q All right; I'll get to that a little later.

Let us continue with these Grand Jury exhibits that you have before you.

Now, Grand Jury Exhibit Number 11 is dated August 11, 1969, and the person viewing the exhibits is John G. Christian.

Once again there are a number of exhibit numbers on the bottom which are circled.

Can you interpret for us the significance of the marks at the bottom of the page?

A Well, the numbers are probably exhibit numbers, but

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I don't know the significance of the circles.

Q Are there any distinguishing marks to indicate whether Mr. Christian was shown the original exhibits or copies of the exhibits?

A No, sir.

Q Now, Grand Jury Exhibit Number 12 doesn't seem to bear any extended discussion.

It seems to be the same John G. Christian on 8-18-69, and again Exhibit Number 71.

Let's go on to Grand Jury Exhibit Number 13.

Can you tell from that record what date that particular transaction was entered into in your office?

A I believe on February 2, 1970.

Q We're talking now about Exhibit Number 13, Mr. Talmachoff, which was a viewing by Mr. Theodore Charach.

I notice in the upper left-hand corner by the space for date, that has been left blank.

A There is no date in the upper left-hand corner, but there is a date in the lower left-hand corner.

Q In the lower left-hand corner?

A Yes; it says 2-2-70.

Above that is the figure "2:00" which I take to be the time that the exhibit was shown to Mr. Charach.

Below that it says, "Exh. Returned 3:25" and over to the right of that "2-2-70".

Q And that leads you to believe that the date of this was February 2, 1970?

A Yes, it does.

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Q All right; thank you.

Let's go on to Grand Jury Exhibit Number 17.

This is an exhibit review form dated 4-9-70 for J. G. Christian and this appears to be one of the newer forms, is that correct?

A Yes, sir.

Q Can you tell us from your observation of this particular business record of your office what exhibits, if any, Mr. Christian asked for and received on 4-9-70?

A I cannot.

Q Can you tell us what exhibits you were shown?

A I cannot.

Q Can you tell us from examining the record whether he was shown the original or whether he was shown photographic copies of the exhibits?

A I cannot.

Q Can you tell us what time the exhibits were given to him to view?

A I cannot.

Q Can you tell us the name of the clerk that waited on Mr. Christian on this particular occasion?

A No, sir.

Q All right; going over to Exhibit Number 15, once again we have Mr. Ted Charach and can you make out the date in the upper left-hand corner?

A I would say that's 4-15-70.

However, I cannot say for certain.

Q Can you tell us based upon any entries that you

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see in this form what clerk in your office waited on Mr. Charach?

A From the one portion I can, yes.

Q Which portion is that?

A The right-hand portion.

Q What does that indicate?

A That indicates at what time the exhibits were returned.

Q Can you tell about the person who originally waited on him?

A It doesn't show.

Q So this could be two separate clerks in your office, one who gave him the exhibits originally and another clerk who received them back?

A It could have been, yes.

Q Can you tell us what exhibits he asked for?

A No, sir.

Q Can you tell us from your observation of this form what exhibits he actually received?

A No, sir.

Q All right; let's go over to the next one.

Grand Jury Exhibit Number 16, without taking up too much time, appears to be another exhibit review slip for 4-20-70, for Mr. Theodore Charach.

It appears to contain no entries for the out time or the in time or the name of the clerk; is that correct?

A Yes, sir.

Q It also bears no items actually to show the

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exhibits requested or to show what exhibits Mr. Charach received?

A Yes, sir.

Q Let me ask you this; though we haven't gone through each and every one of these exhibit forms, can we assume as to all these exhibit review slips which bear numbers of the exhibits, you have no way of telling, based on your examination of those business records, whether the person viewing the exhibits was shown the original exhibits or not?

A No, sir.

Q You have no way of telling what exhibits were shown to the person requesting the exhibits as differentiated from the exhibits they requested by your inspection of these forms?

A No, sir.

Q If a person wants to look at exhibits that have been placed in evidence and are under your control and care, is it absolutely necessary that they fill out an exhibit review form?

A No, sir.

Q Why not?

A Again, you see, it is not absolutely necessary to have this form. There is no statutory requirement. This just happens to be a form that we devised ourselves.

Q Are you telling us that this is a form that your people can elect to disregard at will?

A No, sir. It is our standard practice and our

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departmental policy to use the form if people desire to see exhibits. We ask them to fill out this form.

However, I am saying there is no statutory requirement that we do so.

Q Is it your departmental policy to use that exhibit review form?

A Yes, sir.

Q Can you tell us whether there is a necessity from your departmental policy and point of view that if someone comes to see any of the exhibits that are under your care and control, he must fill out an exhibit review form if he wants to look at an exhibit that you have?

A Under our policy, I would say yes.

Q Can you assure this Grand Jury that no persons were given access to the exhibits or photographs of the exhibits of the Sirhan case without having actually filled out an exhibit review form?

A I cannot give you that assurance.

Q I would like to play a very short tape recording, Mr. Talmachoff.

The transcript of this tape recording has been placed in identification, at least it has been marked as Grand Jury Exhibit Number 46.

And this is a transcription of a telephone conversation between Investigator William R. Burnett, Jr., and Robert Kaiser in Room 113, 524 North Spring Street, Los Angeles, California, 90012, on August 4, 1971, at 7:45 A.M.

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I will now play the tape of that conversation.

(The tape is played as follows:

"MR. KAISER: Hello?

"MR. BURNETT: QUESTION: Hello, Mr. Kaiser?

"ANSWER: Yes.

"QUESTION: This is Investigator Burnett with the District Attorney's Office down in L.A.

"ANSWER: Yeah.

"QUESTION: Have you got a second?

"ANSWER: Yeah.

"QUESTION: I'm doing a little investigation into the County Clerk's Office involving the Sirhan exhibits; you've probably heard about it --

"ANSWER: Uh-huh, uh-huh.

"QUESTION: -- on the T.V. and radio and everything.

"ANSWER: Right.

"QUESTION: Now, I was wondering, did you ever go down to the County Clerk's Office to review any exhibits?

"ANSWER: Yes, I certainly did.

"QUESTION: Where did you go down there? To the --

"ANSWER: Well, the main Clerk's Office.

"QUESTION: On the fourth floor?

"ANSWER: I think so. Great big busy room?

"QUESTION: Uh-huh.

"ANSWER: Yeah. And off to the left there was a

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place where one signed in.

"QUESTION: Right.

"ANSWER: And requested various numbers and so forth.

"QUESTION: Uh-huh.

"When you went down there did you ever complete any of the review exhibit request forms? When you went in you had to sign in, right?

"ANSWER: Yeah.

"QUESTION: And did they give you a form to fill out such as your date, name, address, identification, etc.?

"ANSWER: I believe they did, I'm not certain about that. Wouldn't that be on record?

"QUESTION: Well, that's what I'm trying to find out.

"ANSWER: Uh-huh.

"QUESTION: We haven't been able to come up with any in your name yet.

"ANSWER: Uh-huh.

"Well, you know, I wonder. I did -- I do recall signing a master sheet with a lot of other signatures on it.

"QUESTION: A lot of other signatures.

"ANSWER: Yeah.

"QUESTION: Did you --

"ANSWER: But I don't think I ever completed any -- any --

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"QUESTION: Special form.

"ANSWER: -- form with my address or anything on it.

"QUESTION: Did you deal with any other particular person down there?

"ANSWER: There seemed to be about three youngish -- youngish employees who --

"QUESTION: Uh-huh.

"ANSWER: -- who were working there.

"QUESTION: Did you ever talk to any of the higher-ups down there in the Clerk's Office above say just the reception clerks and the exhibit clerks?

"ANSWER: I remember once when I had difficulty finding something or other there was an older man, but I sure don't know his name.

"QUESTION: Uh-huh.

"Did you ever review any of the, what we call the hard exhibits? By that I mean the real exhibit itself rather than a photocopy or an imitation?

"ANSWER: There were some tapes and I got a court order to listen to some tapes that were Dr. Seymour Pollack and Sirhan.

"QUESTION: Yeah, I remember that.

"ANSWER: And John Howard took me down, in person, after I got the court order --

"QUESTION: Right.

"ANSWER: And I think the clerk handed the tapes to Howard and then Howard handed them -- No, Howard

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took me over to the Special Investigations Division --

"QUESTION: Uh-huh.

"ANSWER: -- on Spring, I believe.

"QUESTION: That's where I work at now, yeah.

"ANSWER: Yeah. And I went up to a -- maybe a second floor where there was a lot of sound --

"QUESTION: Third floor sound room?

"ANSWER: Yeah.

"QUESTION: Uh-huh.

"ANSWER: Uh-huh. And I listened up there to those tapes.

"QUESTION: What other exhibits can you recall that you might have looked at down there other than the tapes?

"ANSWER: There was a kind of a running file like a daily -- daily file that was separate and off into -- in another section of the Clerk's Office.

"QUESTION: Uh-huh.

"ANSWER: And I remember not even knowing of the existence of that until somewhat later and then -- and then someone pointed it out to me, or say, well, you know, I asked for something, they said, 'Well, that might be in the daily file.' I don't think they used the term 'daily file' however. Minutes?

"QUESTION: Uh-huh, that's right.

"ANSWER: I think minutes is the term --

"QUESTION: Yeah.

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"ANSWER: -- they were using.

"QUESTION: Court minutes?

"ANSWER: Yeah. But included in the court minutes there were -- there was copies of correspondence, even original correspondence --

"QUESTION: Uh-huh.

"ANSWER: -- to the judge and so forth.

"QUESTION: Was this during the trial?

"ANSWER: No, this was after.

"QUESTION: This was after the --

"ANSWER: Yeah.

"QUESTION: -- close of the trial?

"ANSWER: During the trial, of course, I was a member of the defense team officially.

"QUESTION: Right. I think you were --

"ANSWER: And therefore --

"QUESTION: -- an investigator of record with Kaiser [sic].

"ANSWER: Yeah. Therefore I had -- Well, I even brought into the courtroom some of the exhibits like some of Sirhan's books. And, oh, let's see, what else? Some -- Some copies of the Rosicrucian Digest and other correspondence from the Rosicrucian Order. And, oh, some of the -- some of the psychiatric reports and exhibits. I was handling those for the attorneys.

"QUESTION: You say you brought those into the court?

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"ANSWER: Yes. And then I would hand them to the attorneys and they would introduce them as evidence and they would be marked with an exhibit number and so forth.

"QUESTION: Had you obtained these from Cooper or Sirhan or had you picked them --

"ANSWER: I was --

"QUESTION: -- up in the Clerk's Office?

"ANSWER: Oh, no, this was before they ever got into the --

"QUESTION: Into evidence.

"ANSWER: -- possession of the clerk.

"QUESTION: Yeah.

"ANSWER: This was -- This was when the psychiatrists were preparing their case.

"QUESTION: Uh-huh.

"ANSWER: And they -- they would finish their reports and submit them to the attorneys and then -- or to me in behalf of the attorneys and then I would make sure that sufficient copies were Xeroxed for the jury; enough for each member of the jury for example --

"QUESTION: Uh-huh.

"ANSWER: -- and so forth.

"QUESTION: Is there any way of re-establishing, recalling how many times you went down to the Clerk's Office after --

"ANSWER: After the trial?

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"QUESTION: -- the case was over?

"ANSWER: Well, this is going to be a just kind of a rough --

"QUESTION: Uh-huh.

"ANSWER: -- guess here. I would suppose that -- Trying to think now just -- I would say not more than three or four or five times, something on that order; something less than five times I would say, and maybe not even that much. I didn't look at any hard -- hard exhibits like Sirhan's gun, for example.

"QUESTION: Bullets, or anything like that?

"ANSWER: Bullets, no, never saw those. In fact I wasn't even in the courtroom on the day that Wolfer testified.

"QUESTION: Uh-huh.

"ANSWER: So, I -- I'm not even sure I ever saw the gun.

"QUESTION: Now, when you would go down there I take it -- this is a procedure I've run across, it's the way the court operates, the Court Clerk's Office, I should say -- is that you go into the room there and go over to the window to the left --

"ANSWER: Yes.

"QUESTION: -- as you go through the door.

"ANSWER: Yeah.

"QUESTION: Sign in and they would ask you for some type of identification?

"ANSWER: Yeah.

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"QUESTION: What would you use for identification?

"ANSWER: I think that I -- I had a -- one of those laminated cards from the court --

"QUESTION: Uh-huh.

"ANSWER: -- that named me as an investigator, defense investigator.

"QUESTION: I see.

"ANSWER: With my picture on it.

"QUESTION: Uh-huh, good.

"ANSWER: I think that's what I used.

"QUESTION: Uh-huh.

"And were you alone on these occasions? Did you ever take anybody in there with you?

"ANSWER: No.

"QUESTION: Well, were they cooperative? Did they seem to have any trouble finding exhibits or anything when you requested them?

"ANSWER: Yeah. It didn't seem like they knew what the hell they were doing.

"QUESTION: Uh-huh.

"ANSWER: And they seemed kind of harried and preoccupied with other things. They weren't too sure where things were. And certainly it would have been possible to -- It seems to me it would have been possible to walk off with almost anything I wanted.

"QUESTION: Uh-huh.

"When they would hand you the exhibits you

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requested would you have to stand at the counter and review it, or would you just be able to take it over to the table there and --

"ANSWER: I --

"QUESTION: -- do as you pleased?

"ANSWER: I just kind of walked around as I pleased. And --

"QUESTION: Did you ever get behind the counter, to the viewing table behind the cage there?

"ANSWER: Not off to the left, but in the main section I did.

"QUESTION: Uh-huh.

"ANSWER: But not off to the -- You know where the cage is?

"QUESTION: Right.

"ANSWER: I didn't get in there.

"QUESTION: Uh-huh.

"One other question, you don't know where I could find Fernando Faura, do you?

"ANSWER: I have some phone numbers for him.

"QUESTION: I've got a few, maybe yours are better than mine. I understand he may be down in San Diego someplace.

"ANSWER: Oh.

"QUESTION: The ones I have out in Granada Hills and everything are out of service.

"ANSWER: Oh.

"QUESTION: Someone said he was going to go to

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Tiajuana to manage a radio station or something and I've been unable to locate him.

"ANSWER: Oh, gee. My numbers are Granada Hills numbers, I'm sure.

"QUESTION: Yeah, it's probably the one on Babbott.

"ANSWER: I'm trying to think who might know. You know there's an attorney downtown that I -- Where I first met him --

"QUESTION: Uh-huh.

"ANSWER: -- was in the office of an attorney who does a lot of immigration work.

"QUESTION: Uh-huh.

"ANSWER: And I wouldn't be surprised if he or his office might know.

"QUESTION: You don't know what his name is?

"ANSWER: That attorney's name is -- Gee. Slips my mind. He's a Pasadena attorney. He's a very well-known --

"QUESTION: Pasadena attorney.

"ANSWER: He was -- He was the -- As a matter of fact, he was the attorney for Munir Sirhan when Munir was going to be deported.

"God, it's -- Let me think where -- where I --

"I kept a diary, so I know I've got his name written down some place.

"QUESTION: Well, could I give you my phone

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number and if you run across it --

"ANSWER: Yeah.

"QUESTION: -- would you give me a call?

"ANSWER: Yeah, that's the best thing to do instead of my sitting here trying to remember it. Just a minute, let me find a piece of paper.

"Okay. Two T's?

"QUESTION: Right. B-u-r-n.

"ANSWER: First name?

"QUESTION: Bill.

"ANSWER: Okay.

"QUESTION: It's 626- --

"ANSWER: Uh-huh.

"QUESTION: -- 3888, --

"ANSWER: Uh-huh.

"QUESTION: -- extension 83400.

"ANSWER: Okay.

"QUESTION: And my partner's name is Lightner.

"ANSWER: Uh-huh.

"QUESTION: Dee Lightner in case I'm not here.

"Let me ask you, would you be willing to testify if necessary relative to what you've told me in your visits to the County Clerk's Office?

"ANSWER: Sure. I -- I don't know what --

"QUESTION: Well, --

"ANSWER: -- real, you know, startling --

"QUESTION: I don't know --

"ANSWER: -- revelations I have.

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"QUESTION: -- if we'll need you or not --

"ANSWER: Yeah.

"QUESTION: But as I said I'm just getting into this investigation --

"ANSWER: Uh-huh.

"QUESTION: I don't know just which way we're going to go at the present time.

"ANSWER: Uh-huh, uh-huh.

"QUESTION: Could I have your address? You've moved from Westlake down into --

"ANSWER: Yeah. That's right, that's right.

"QUESTION: -- Van Nuys.

"ANSWER: I'm in Sherman Oaks at --

"QUESTION: Sherman Oaks? I live there, too.

"ANSWER: 4711 --

"QUESTION: 4711.

"ANSWER: -- Natick, N-a-t-i-c-k.

"QUESTION: I-c-k.

"ANSWER: Apartment 133. You have my home number here. My -- I have an office number.

"QUESTION: Okay.

"ANSWER: 477-7086.

"QUESTION: 7-8-6.

"Okay, fine, Mr. Kaiser.

"ANSWER: Okay, Bill.

"QUESTION: If you think of anything, oh, that might have happened during your visits to the Clerk's Office that you haven't told me I'd sure appreciate a

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call.

"ANSWER: All right. And I will call you on that possibility of finding Faura through this attorney.

"QUESTION: I'd sure appreciate it.

"ANSWER: Okay.

"QUESTION: Thanks a million.

"ANSWER: Right. 'Bye.

"QUESTION: 'Bye-bye."

Now, Mr. Talmachoff, let me call your attention to Grand Jury Exhibit Number 32 which is a viewing slip for Robert B. Kaiser for 11-28-69.

Do you see that?

A Yes, I do.

Q My question to you is, do you know if there are any other exhibit viewing forms for Mr. Kaiser in your office?

A That is the only one I have seen.

Q Now, Mr. Kaiser during that telephone conversation said something about filling out the log or signing his name on the log.

Do you recall that portion of the conversation?

A Yes, sir.

Q Do you know what I'm talking about?

A I think that's the log that we have spoken about before.

Q The log that we have introduced as Exhibit Number 44?

A I believe so.

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Q On that log which is Exhibit Number 44, I don't find Mr. Kaiser's name on this document.

Do you?

A No, sir.

Q Do you recall the date that I interviewd you and other persons from your office and I requested that all of the exhibit review slips be brought up to be photographed?

A Yes, sir.

Q And you're aware of the fact that you brought in two separate groups of review forms?

A Yes, sir.

Q Are you aware of the fact that the second group of review forms which you produced was not in the guide envelope on the day that you had an interview with me?

A I did not look at those two groups. The preparation of those two groups was done by someone else in our office, Mr. Ramsey.

I believe that was done by Mr. Ramsey or Mr. Sours and I did not review the two separate groups.

I do know what you're referring to. I think that the second group may be a more recent group of people looking at the exhibits.

Q Where are those review forms kept, if they weren't in the guide envelope on the day I interviewed you and a number of other people from the office?

A I can't recall the date, but they must have been pretty close to that same time period.

If they were not in the guide envelope they may

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have been in the temporary file or storage prior to the time of actually filing it in the envelope itself.

Q One of the Grand Jurors has pointed out to me that on 6-16-71, Exhibit Number 35, the form used there was County Clerk-M-280.

Is that correct; will you take a look at that, please?

A Yes.

Q And your other form is dated 1/70.

Can you explain why this M-280 form was used as late as June 16, 1971?

A Well, although the other form is dated 1/70, I don't know actually when we put it into use. It might be some time later.

This may have been just one that was left over and the person used it.

#8

Q What is supposed to be in the guide envelope?

A Supposed?

Q When I say "supposed", I'm talking about the policy and practice in your division as you know it today.

A Well, number one, the receipt slips.

Number two, the viewing slips.

Number three, the court orders relative to any limitation that may be placed on the viewing of the exhibits or the release of the exhibits.

We would have also copies of orders where there has been an actual release on a temporary basis on what we call an in-and-out process.

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We may have some special communications on the guide envelope, such as in the Sirhan case, the original letter from Attorney Shibley authorizing Mr. Harper as his representative to examine the exhibits.

We may have a series of documents such as those that I have enumerated.

Q Does anyone who wants to see exhibits have to identify themselves to your exhibit custodian clerk in any way, such as exhibiting a driver's license or a social security card or anything of that nature?

A We expect that in all cases that some identification be shown.

Q One of the Grand Jurors poses the following question:

Are the exhibits card-catalogued or in any way cross-filed in your office?

A No, sir.

May I say something.

Q Please.

A Our system of receipts is that we issue receipts to the various persons who receive exhibits in the courtrooms including the Municipal Court.

A receipt book has a white copy which is the original receipt and then a pink which is the first copy and a yellow which is the copy that remains in the book.

The white or the original is the one we put into the guide envelope and the guide envelope serves as our locater index to the location of the exhibits as to what

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exhibits there are in the case.

The pinks are stored separately and we use the pinks as a backup record of the exhibits received in the particular case.

That is the point of separating the whites and the pinks, and, of course, the court clerk has his own yellow receipt and his own book.

Q May I have just one moment, Mr. Talmachoff.

You recall I showed you that one of the M-280 slips was being used in June of 1971. I believe Exhibits 35, 36, and 37, show that the M-280 form was still being used in 1971.

May I ask you again if you have any explanation why the old form was being used?

A I cannot say why the old form was used. The old form should have been discarded.

Q After I brought to the attention of a number of your personnel as to the incompleteness of many of the forms that you brought here today, the exhibit review forms, did you then institute procedures to come up with a new exhibit reviewing form?

A There has been one placed in service within the past week or two -- at least the last couple of weeks, I would say.

Q Mr. Talmachoff, after Judge Walker's Court Order was brought to your attention -- strike that, please.

Let me ask you this first; do you recall an employee by the name of Guy Tracy?

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A Yes, sir.

Q Is Mr. Tracy still employed by your office?

A No, sir.

Q When was it that Mr. Tracy left your employment?

A I'm afraid I cannot recall the exact date. I believe it was in 1970, but I cannot say when -- possibly in May or in April, I'm not sure.

Q Was there some unusual circumstances connected with his leaving your employment?

A Yes, sir.

Q Was he asked to resign?

A I don't recall whether he was asked to resign or whether he resigned of his own volition.

I know that I had been dissatisfied with his work. In fact, I had, in effect, fired him from the supervision of the Exhibit Section and put him in another section.

The actual circumstances of his leaving, as I recall, were, I think, of his own volition.

I would just like to say that he was not considered an acceptable employee, one whom we wanted to retain.

Q In any event, was Mr. Tracy given any instructions in connection with making any copies of documentary evidence that was introduced in the Sirhan case?

A Yes, sir; he was.

Q What instructions?

A On several occasions I told him to get those things reproduced.

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Q You're talking about the documentary evidence that was introduced in the trial?

A Not only the documentary evidence introduced in the trial but there were some other exhibits that were also introduced but not to the jury.

Q How did you expect him to get those reproduced? I'm talking now about the documentary material itself.

A We have certain copying devices in our office and if the item can be reproduced on those copying devices, it was supposed to have been.

I recall that one was a short ledger of one or two pages and it was possible to use our own devices.

However, there were a number of documents and it was a sort of production time job that our machinery could not Xerox. Our machinery was the Xerox 914 and it couldn't do it in very short order.

So Mr. Tracy was instructed to go to our reproduction unit which is located in the county courthouse where, at the time, we had a machine called the Copy-flow which could produce many copies in a short period of time and that machine was kept in the county courthouse.

Mr. Tracy was instructed to have the documents taken over to the reproduction division and have them copy it on that machine.

Q Did he carry out your instructions and secure copies of the documentary evidence?

A To my knowledge, he did a certain amount of it. I don't know if he did it completely.

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Q Have I asked you to bring to the Grand Jury today your division's copy of Exhibit Number 71 introduced in the Sirhan trial?

A Yes, sir.

Q May I see it, please?

A Yes; here it is.

Q You're taking out of an envelope a folder that you have?

A Yes, sir.

Q Where was it kept in your division?

A I cannot say that was the way it was kept from the very beginning but that is the way we had it in recent months.

Q With your permission I would like to attach to it a Grand Jury label and offer this as Grand Jury Exhibit Number 50 for identification.

5o id THE FOREMAN: It will be so marked.

BY MR. HECHT:

Q So we're perfectly clear about this, this is a copy of the original exhibit which you have kept in your division and shown to those people who have requested to see copies of Exhibit 71?

A I can't answer that question that simply, Mr. Hecht, because, as I recall, I have been looking at that exhibit and it appears that a number of these pages are copies of a copy, rather than perhaps a copy of the original exhibit 71 itself.

Q Let me ask you at this time, and perhaps this will

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answer the question as to this document.

The document that you have brought with you purports to be a copy of Exhibit 71, which you have shown to members of the public who are interested in seeing it?

A If I understand your question I would say yes, that is a copy of Exhibit 71 that we show the public.

Q If I came into your office two months ago and said, "I would like to see a copy of the original exhibit 71 introduced in trial," would that be the exhibit that you would show me?

A Yes, sir.

Q Was it taken from that place within your division where such copies of the exhibits were stored?

A I'm not sure I understand the question in terms of "that place".

We have storage in a number of areas.

Q Was it taken from that storage area where you keep or where you had kept the copies of the documentary evidence in the Sirhan case?

A I would say yes.

MR. HECHT: Mr. Foreman, I have here a number of other documents.

I have from the Supreme Court of California, from the Clerk's Office of the Supreme Court of California, I have a certification that reads as follows, attached to certain documents.

The certificate reads, the heading of the certificate is:

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"Supreme Court of California Certificate

"People versus Sirhan, Criminal 14026

L. A. Superior Court, Number A-233,421.

"I, G. E. Bishel, Clerk of the Supreme Court of the State of California, hereby certify that the attached pages 1 through 76 plus the front and back covers represent a true and correct copy of the exhibits lodged in this court in connection with the above-entitled appeal, except that the original exhibits lodged in this court do not have the identification label of the FBI laboratory attached thereto.

"WITNESS my hand and the seal of this court this 13th day of August, 1971.

"G. E. BISHEL

"Clerk of the Supreme Court

"of the State of California".

And it is signed Mark Thompson, Deputy.

The 76 pages attached constitute a copy of Exhibit Number 71.

I would ask that this certificate together with a copy of the pages making up trial exhibit Number 71 be marked as Grand Jury Exhibit Number 51.

51 ID THE FOREMAN: It will be so marked.

BY MR. HECHT:

Q Now, Mr. Talmachoff, I would like you to compare these two copies of Exhibit Number 71.

The one you have brought is Grand Jury Exhibit

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Number 50 and the one we have just marked as Grand Jury Exhibit Number 51.

The first page purports to be the cover of a particular notebook of Mr. Sirhan?

A Yes.

Q Skipping over to the next page, to the second page, or, rather, the first page of the notebook, you see the notation "Q1-1 FBI Laboratory"?

A Yes.

Q That appears both on Exhibit 50 and on Exhibit 51?

A Yes.

Q And that appears to be the same page?

A Yes, it does, sir.

Q All right, let's turn the page over.

Now, you have a second page that has the FBI mark with the number 2?

A Yes.

Q And that is also the same in Exhibit 51?

A Yes.

Q Also, on Exhibit 50, in the upper portion it says "P-71" and then there's a number 2 in a circle?

A Yes, it does.

Q So those two same pages, which represent Page number 2, appear to be the same page; is that correct?

A Yes, it does.

Q And the page, in Exhibit 51, is exactly the same as the page in Exhibit 50 except that Exhibit 50 has the "P-71"

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with the circled 2 notation?

A That's correct.

It appears to be the same page.

Q All right; let's turn to the next page and that's page number 3 and it is marked Q1-3, is that correct?

A Yes.

Q And the pages in both Exhibit 50 and 51 appear to be the same except that Exhibit 51 has in the corner P-71 with a circled 3?

A That's correct.

Q All right, now, let's turn to page 4.

In Exhibit 51 you find the page Q1-4 with the laboratory mark, is that correct?

A Yes.

Q Do you find the page 4 in Exhibit 50?

A It's not in this particular order. May I look to see if it may be out of order?

Q Would you please?

A (The witness examines the exhibit.)

Q Can you find that page?

A I do not find that page.

Q For the sake of clarity the document that you have brought to the Grand Jury today purports to be a photographic copy of Exhibit 71 which you have shown to the public, and that does not contain that fourth page which we find in Exhibit 51; is that correct?

A Yes, sir.

Q All right; will you turn to the next page,

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please?

A (The witness complies with counsel's request.)

Q That is marked Q1-5 on both copies?

A Yes.

Q And copy 50 has in the upper right-hand corner P-71 with a 5 in a circle?

A Yes.

Q And that is the same page in both exhibits?

A Yes, it is.

Q All right; will you turn to the next page.

First, let me call your attention to exhibit 51.

You see the marking Q1-6?

A Yes, I do.

Q Would you see if page 6 is in Exhibit 50?

A It is not here.

Q When you say, "It is not here", you mean it is not in your copy?

A Yes.

Q You previously looked through the exhibit to see if Page 4 was somewheres out of order?

A Yes, I did.

Q And you did not find page 4?

A No, I didn't.

Q Will you please do the same for page 6?

A (The witness examines the exhibit).

Q Can you find page number 6?

A No, it's not here.

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Q Have you given anyone permission to remove any pages from your copy, to wit, Grand Jury Exhibit Number 50?

A No, sir.

Q To your personal knowledge has anyone removed any pages from your copy?

A No, not to my personal knowledge.

Q Did you call me Saturday afternoon?

A Yes, sir.

Q You were in your office?

A Yes.

Q And you found me in mine?

A Yes.

Q And you found something?

A Yes, I did.

Q Will you tell the Grand Jury what you had found?

A I had found in a reinforcement ring the exhibit that had been left with us in the Sirhan case.

Among the exhibits I found a copy, a set of that Exhibit 71.

Q Where did you find it?

A With the exhibits that were left with us.

Q Where?

A In our exhibit room.

Q Was it in the Death Penalty Locker?

A No; that was upstairs.

Q Upstairs where?

A Upstairs in our office; I had it brought upstairs.

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Q And did you bring that copy with you?

A Yes.

Q May I see it, please?

THE FOREMAN: I think you want some time to examine it and this might be a good time to take a morning recess.

We'll take a 10-minute recess, please.

(Short recess.)

THE FOREMAN: The record will show that the Grand Jury has reassembled and the same 21 Grand Jurors who were present at the inception of the case have returned for further proceedings in this matter.

Let the record show that Mr. Talmachoff is still on the witness stand, and that he has previously been sworn.

You may continue, Mr. Hecht.

EXAMINATION (CONTINUED)

BY MR. HECHT:

Q Mr. Talmachoff, showing you Exhibit 50, did you ever give anyone permission to remove pages 4 and 6 from that particular document?

A No, sir.

Q Did you ever give anyone permission to remove any portion of any pages from that document?

A No.

Q Did you give anyone authorization or permission to remove anything at all from that document?

A No.

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Q Now, looking at that document you called me about Saturday, that is the document here (indicating)?

A Yes, sir.

MR. HECHT: With your permission, Mr. Foreman, I will take that and staple an evidence tag on it and I ask that it be marked as Grand Jury Exhibit Number 52.

52 id THE FOREMAN: It will be so marked.

BY MR. HECHT:

Q So that the record is clear, Exhibit 50 is the copy of Exhibit 71 that you had in your custody and showed to the public; Exhibit Number 51 is the copy of the document from the Supreme Court of the State of California; and Exhibit Number 52 is another copy of Exhibit 71 that you found in your files and that you called me about Saturday?

A That's correct.

Q All right; let's talk for a moment about this Exhibit 52.

That exhibit does have in it Page Number 4 with the FBI number Q1-4, does it not?

A That's correct.

Q And on that same page, in the right-hand corner there is P-71 with a 4 in a circle?

A Yes, there is.

Q And that is the page missing from Grand Jury Exhibit Number 50?

A Yes.

Q Now, turning to Exhibit 52, to page 6 thereof, you see on the left-hand side the FBI laboratory mark Q1-6?

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A Yes, I do.

Q And that is the page that appears to be missing from Grand Jury Exhibit Number 50?

A Yes, sir.

Q All right; and certain of the exhibit viewing forms, Mr. Talmachoff, -- may I have just one moment now -- in looking over the index to the exhibits there was a gun introduced in evidence and that is referred to as People's Exhibit Number 6, and I assume that number was kept as People's Number 6 during the course of the trial of Mr. Sirhan?

A Yes; that's correct.

Q Now, in a number of these exhibit viewing forms they make reference to Exhibit Number 6.

Can you tell us from taking a look at those particular documents, these exhibit viewing forms, whether the original gun was shown or a photograph of the gun was showing to the persons viewing the exhibit?

A In the case of the first viewing slip, Mr. Charach, it says 6 and then it says photo.

Q That leads you to believe that this gentleman was shown a photo rather than the gun itself?

A Yes, it is possible.

Q Would you take a look at Exhibit Number 10, on the second page, also a viewing slip of Mr. Charach, there are a number of references to Exhibit 6, is that correct?

A Yes.

Q Now, there are certain markings, there are circles

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and certain other markings and the right next 6 would be a circle and then it says "Photo"; is that right?

A That is correct.

Q Can you tell the Grand Jury what is the meaning of those circles and notations and the word "photo" on that exhibit?

A I'm not certain in my own mind what the significance is.

Q Would it be fair to say, aside from the entries where it definitely says "photo", you cannot tell from these exhibit viewing slips whether the original exhibits were displayed or the photos of the exhibits?

A No, sir; I cannot say for certain.

Q One of the Grand Jurors has asked the question, when someone requests the exhibits, how do you find the proper guide envelope that goes with the case that they are interested in?

A If the person making the request has a case number, that will enable us to locate it quickly because all of these guide envelopes are in case guide number order.

If he doesn't have the case but gives us the name of the individual, we go to the index and we get the case number.

The case number is the means by which we index the guide envelopes.

MR. HECHT: Mr. Foreman, I have no further questions of this witness at this time.

I may request that he be brought back but with

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that understanding, if there are no further questions to be asked by the Grand Jurors at this time, the witness may be excused.

THE FOREMAN: Are there any further questions to be directed to the witness by any members of the Grand Jury?

Apparently not.

I'd like to caution you not to discuss or impart at any time, outside of this jury room, the questions that were asked of you in regard to this matter, or your answers, until authorized by this Grand Jury or the Court to discuss or impart such matters.

You will understand that a violation of these instructions on your part may be the basis for a charge against you of contempt of court.

Do you understand that?

THE WITNESS: I do.

MR. HECHT: Would you take back with you just the documents that you have which have not been referred to. You'll have to leave those that have been introduced in evidence here.

MR. TALMACHOFF: Yes; I understand.

MR. HECHT: Just take those other documents back and keep them together as we may require them at a later time.

(Thereupon, the witness, Peter John Talmachoff, was then escorted from the Grand Jury Hearing Room by the Sergeant At Arms.)

MR. HECHT: Mr. Wilson, please.

(Thereupon, the witness, Richard H. Wilson, was then

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escorted into the Grand Jury Hearing Room by the Sergeant At Arms.)

RICHARD H. WILSON,

called as a witness before the Grand Jury, was duly sworn as follows:

THE FOREMAN: You do solemnly swear that the evidence you shall give in this matter now pending before the Grand Jury of the County of Los Angeles shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

EXAMINATION

BY MR. HECHT:

Q Mr. Wilson, what is your business or occupation, please?

A I'm a Budget Analyst employed by the Chief Administrative Office of the County of Los Angeles.

Q How long have you been so employed by the Chief Administrative Office?

A Just about two years now.

Q Prior to the time you became a Budget Analyst, were you connected in any way with the County of Los Angeles?

A I was Assistant Chief of the Criminal Division in the Clerk's Office.

Q Who was your boss or chief?

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A Peter J. Talmachoff.

Q You have just seen him in the witness room?

A Yes, sir.

Q How long were you Assistant Chief of the Criminal Division of the Clerk's Office?

A Almost exactly three years.

Q And what date did you start and what date did you conclude your service in that capacity?

A It would be the same day in August of 1966.

I don't remember whether it was the 1st or the 15th.

I believe I left, I would say about the last day of August.

I had a two week vacation and then I reported to the Chief Administrative Office.

Q What was the year you left?

A '69.

Q Did it come to your attention at the time you were Assistant Chief of the Criminal Division that Sirhan Bishara Sirhan had been indicted by the Grand Jury on June 7, 1968?

A It did.

Q Were you in court when an Indictment was returned?

A No, sir.

Q It is our understanding, based on the evidence here, that Judge Alarcon at the time the Indictment was returned had issued an order directing the Clerk's Office not

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to make the exhibits available, which had been introduced in the Grand Jury presentation; did that court order ever come to your attention?

A It did come to my attention.

Q When did it come to your attention?

A I don't remember the date, but shortly after the Indictment was returned.

Q What were the circumstances leading up to it being brought to your attention?

A Someone in the office, either Mr. Talmachoff or somebody else, I'm not quite sure who presented it to me, but they came in and said, "We have an order no one is to examine the exhibits unless there is a court order." At that time I think there was a no-publicity order and we discussed it.

Q As a result of your discussion, what, if anything, did you do to implement that order in connection with the exhibits?

A Well, sir, I receipted for the exhibits when they were returned from the Grand Jury. We had a special place in our vault where we locked them up.

We discussed the matter with various people in the office and told them that no one is to look at these exhibits unless either the boss or I so said.

We took the publicity order and we discussed it with various people in the office and basically told them to comply with the order.

Q Did you show them a copy of the order?

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A I don't recall definitely handing a copy to each individual of the order but I remember we had orders on the no-publicity order and we had copies of the no-publicity order posted in our record section so that the clerks on the telephone could immediately refer to it.

Q How many so-called exhibit custodian clerks did you talk to at that time, sir, do you remember?

A Well, we had arranged about -- I would say about five fellows in the criminal exhibit room and I'm sure we talked to them.

Q During the time that you were in the clerk's office in the capacity you have already described, did you have a certain amount of unusual turnover?

A I think our turnover is higher than usual.

Q Is there any reason?

A You want my personal opinion?

Q Yes.

A This was a very low-paying job and we couldn't keep fellows on the job.

As I recall, the starting salary was slightly less than $400 a month.

We would get a man in and he would work and then he would get a better paying job some place else.

Q Were you then concerned with replacement personnel insofar as people who worked as exhibit clerks were concerned?

A Very definitely.

Q What efforts were made by you to instruct new personnel that you would have coming in to fill these job

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vacancies about the existence of Judge Alarcon's court order?

A Well, Judge Alarcon's order -- there were two separate orders --

Q I've only been talking about Judge Alarcon's order, the order he made for non-dissemination of information and the non-viewing of the exhibits introduced in the Grand Jury Hearing.

A Well, I have been referring to --

Q Have you been referring to something else?

A Well, there were two separate orders.

Q Well, I haven't got to Judge Walker's order yet.

A I don't recall personally telling any new man that there was an order in the case. The supervisor in charge of the vault was to keep all the personnel posted.

Q Who was that?

A Well, we had quite a few. We had a fellow by the name of Guy Tracy in charge for a while.

We had another clerk, Richard Silver. Then we had Richard Wilcox supervise for a very brief period of time. I'm not quite sure what time Wilcox was there.

Q In any event, Judge Walker issued a court order towards the end of the actual trial and I believe that was May 17, 1969.

At that time were you still in the clerk's office in the capacity you have referred to?

A Yes, I was.

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Q When was that order brought to your attention, if at all?

A As most court orders, usually Mr. Talmachoff would receive the order and come out and show it to me and say, "This is what we have."

Q Do you have a specific recollection that Judge Walker's Court Order was brought to your attention in the manner that you describe?

A I do not.

Q Do you have a recollection that this was, in fact, a very unique court order issued by Judge Walker in connection with the Sirhan exhibits?

A Well, yes, not specifically, but I remember there was an order in the case and that's about as far as it goes.

Q Can you tell us what, precisely, you did to implement the provisions of Judge Walker's order, if anything?

A I personally don't recall that I was involved with it.

I was aware of the order and I'm sure that the supervisor in charge of the vault was informed of it, and as I remember, the only change in the order was something to do with reproducing of exhibits -- that rings a bell but exactly what we are supposed to do, I'm sorry, I don't remember.

Q Can you tell the Grand Jury whether you have a precise recollection of reading Judge Walker's Court Order?

A Not a precise recollection.

Q As you sit here, do you have any recollection of

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what the contents of that court order was?

A I vaguely remember that the order stated that no one, with the exception of counsel, was to look at the exhibits in the matter without further court order.

I remember there was something to the effect -- but I'm a little vague on this one -- something about the county clerk making copies of the exhibits and we were not to show the originals.

I'm sorry, but that is about as much as I can remember.

Q I appreciate your candor.

Did you discuss the existence of Judge Walker's court order with Mr. Sharp?

A With Mr. Sharp?

Q Yes.

A No.

Q Did Mr. Sharp ever discuss it with you?

A I don't recall he ever did.

Q Did Mr. Sharp ever discuss with you the Sirhan case in general insofar as any duties of the clerk's office were concerned?

A No, sir. Normally Mr. Sharp would have discussed that with Mr. Talmachoff.

Mr. Talmachoff and I might have been present some time when he discussed it, when there would be a general comment like, "This looks like a hot one. Be extra careful", that sort of thing, you know.

Q Do you have any precise recollection of such a

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conversation?

A Of such a conversation?

Q Yes, sir.

A No, sir, I don't.

Q Did you engage in any of the actual transactions where the people would come in and want to see exhibits and you would show them the exhibits?

A Do you mean just in the Sirhan or in any case?

Q Well, let's take any case?

A Oh, yes.

Q And that was one of your duties, too?

A Yes; that's part of my duties.

Q That's a normal duty of the Assistant Chief of the Criminal Division?

A Yes, if I was available, sir.

Q I am not minimizing its importance, but, frankly, I was surprised to learn that that was one of your duties.

I'm going to ask you to check the exhibit viewing slips. I have here approximately -- in fact, precisely -- 37 photographs of what purports to be exhibit viewing slips.

Will you take a look at them and tell me if you participated in any of the transactions that are reflected in those records?

A (The witness examines the exhibits.)

Normally I would not have made out these slips, if that's what you're referring to here.

Q Why would you not have made out these slips if you participated in the transactions? Would you have made

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out any portions of those slips?

A I doubt it.

Q Why would that be, sir?

A Well, what would usually happen, say, for example, an attorney on a particular case would come in and what would usually happen is that he might come to me and say, "I want to see the exhibits in such and such a case."

I would say, "Fine."

What I usually do is go out to the vault and have one of the fellows make out this slip and either that clerk or some other clerk would go to the vault and would go to the place where the exhibits were kept and get those particular exhibits, or I would walk over and get it, depending on the circumstances and how busy I was and how busy the other fellows were.

Usually the logging and the exhibit slips were usually made out by a clerk.

Q When you say the logging is made out by a clerk, what do you mean?

A I should say that the clerk made out these exhibit slips.

Q I got from you the impression you would tell the clerk in the vualt what was needed and he would make out the slips. Is my impression correct?

A It could have gone that way.

There was no set procedure.

In other words, what normally would happen if a

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person came in and wanted to see an exhibit, the exhibit clerk would have them make out one of these exhibits slips.

After he had checked the man's identification and so forth, then he would put this slip in what we call the exhibit control envelope, that is, the guide envelope, and the guide envelope would inform him where the exhibits were and he would go to where the exhibits were physically located.

If there was something unique or unusual, or if the clerk wasn't sure about the procedure, he might come back and talk to me about what he should do.

Say, for example, we had an exhibit of, well, let's say, of $500 or whatever the amount might be. I would have the clerk make out the paper work and I would go in and take out this particular exhibit and physically bring it out and in the meantime the clerk would make the slip out.

I would show the attorney or the investigator or whoever it was what the exhibit was, and I would let him examine it and after he finished examining it, I would take it back and lock it up.

Q Do you recall participating in any of the transactions that are reflected in any of the viewing slips that are in front of you, referring to the Sirhan case?

A No, sir.

Q Is it possible you did, insofar as these transactions are concerned, but you don't recall it right now?

A Well, yes, it's possible. I don't recall. I remember only handling the Sirhan exhibits, I believe, the one

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time; as I remember I originally receipted for the exhibits when they first came into our office.

Q As I recall -- I recall that incident very hazily and I think there weren't too many exhibits at that time, but I think I took them back and locked them up and I was talking to the clerks and so forth that were involved in the case.

Q Do you recall at all seeing the exhibit guide envelope in the Sirhan case?

A I have no specific recollection right now, -- no.

Q How many exhibit custodian clerks did you have down there when you were in the clerk's office; approximately?

A Well, between four and five.

Q Does it ever get very busy down there?

A I'm sure it did.

Q What happens if you have more than four or five people wanting to see exhibits at or about the same time?

A That is one of the cases when I come out and I would assist.

Mr. Talmachoff would come out and assist.

We constantly had those occasions and we had to handle it as it came up and sometimes the people had to wait.

Q If someone came in and wanted to see an exhibit in a particular case, and I'm referring to the old procedure, I understand they were asked to look at it at a little table

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outside the main premises down there.

Am I referring to anything that makes sense to you?

A Yes, sir.

Q Is it possible that the clerk might be called away to wait on someone during the time that this person was still there viewing the exhibit?

A Most definitely.

Q What security arrangements would have existed with respect to the person who was still looking at the exhibit, while the exhibit custodian clerk was running around trying to help someone else?

A Well, it was the best we could do.

Q I wish we could record your expression on the record.

MR. HECHT: I have no further questions of this witness.

THE FOREMAN: Any questions to be directed to this witness by any member of the Grand Jury? If so, please write them out and they will be directed to the witness through the Deputy District Attorney.

BY MR. HECHT:

Q Did you ever see anybody hand out the Sirhan gun in this case?

A No, not other than myself, no.

MR. HECHT: Thank you. I have nothing further for this witness.

THE FOREMAN: I'd like to caution you not to discuss or

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impart at any time, outside of this jury room, the questions that were asked of you in regard to this matter, or your answers, until authorized by this Grand Jury or the Court to discuss or impart such matters.

You will understand that a violation of these instructions on your part may be the basis for a charge against you of contempt of court.

Do you understand that?

THE WITNESS: I do.

(Thereupon, the witness, Richard H. Wilson, was then escorted from the Grand Jury Hearing Room by the Sergeant At Arms.)

MR. HECHT: Roger T. Brooke.

(Thereupon, the witness, Roger T. Brooke, was then escorted into the Grand Jury Hearing Room by the Sergeant at Arms.)

ROGER T. BROOKE,

called as a witness before the Grand Jury, was duly sworn as follows:

THE FOREMAN: You do solemnly swear that the evidence you shall give in this matter now pending before the Grand Jury of the County of Los Angeles shall be the truth, the whole truth, and nothing but the truth, so help you God?

THE WITNESS: I do.

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EXAMINATION

BY MR. HECHT:

Q Mr. Brooke, what is your business or occupation, please?

A Right now I'm unemployed.

Q Did you ever work for the County Clerk's Office, more specifically, in the Criminal Division?

A Yes, sir, I did.

Q When did you first start there?

A October 1964.

Q And what was your job title at that time?

A I was a regular clerk.

Q Where were you working at that time?

A At the Criminal Office, Room 448.

Q Right down here on the 4th Floor of the Hall of Justice?

A Yes.

Q How long did you work in the Clerk's Office?

A Five and one-half years.

Q Until what date?

A March 1970.

Q At the time you left what was your job title?

A I was an intermediate clerk in Room 448.

Q Did you have some connection or work as a custodian of exhibits?

A Yes, I did.

Q What was that connection, sir?

A I worked in the exhibit custodian job.

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Q I understand you left under rather strange circumstances; did you not?

A Yes, sir.

Q Would you very briefly tell us why you left?

A Well, I was told to leave because I had, well -- dipped into the till, so to speak.

Q To what extent?

A $1,600.

Q Where did you get the $1,600 from?

A The safe.

Q The safe kept in the clerk's office?

A Yes, sir.

Q As a matter of fact, that money was repaid to the county, was it not?

A Yes.

Q How was it repaid?

A Through my retirement. I had a retirement fund of $1,300 and then I had severance pay and so forth.

Q Was there an investigation into this episode?

A Yes, sir, there was.

Q Do you recall a case called People versus Sirhan Bishara Sirhan?

A Yes, I do.

Q With reference to that particular case, do you know, as you sit here, whether there was a court order issued by Judge Herbert Walker in connection with that particular case shortly after that case was concluded?

A I was not aware at that time.

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Q You are now?

A Yes.

Q When did you first find out or sense or feel or understand that there was a court order issued by Judge Walker in connection with the Sirhan case?

A Well, I don't know exactly when the case was finished or whether it was at the beginning of the case.

Q Well, you do know that Judge Alarcon issued a court order at the time the indictment was returned?

A That's the one I was aware of.

Q Were you aware at the end of the case that Judge Walker also issued a court order in connection with the exhibits?

A I have read of it but I don't recall it, I am sorry.

Q Did anybody in your office specifically bring to your attention Judge Walker had issued a court order in connection with the showing of the original exhibits of the Sirhan case?

A Someone may have, but I don't recall now.

Q You don't have any present recollection of it?

A No, I do not.

Q Do you have any recollection of personally reading the contents of that court order?

A The second court order?

Q Yes, sir.

A No.

Q And in connection with the Sirhan case, did you

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ever receive any specific instructions from any of your supervisors in the clerk's office with respect to the handling of requests to see the original evidence in the Sirhan case?

A Yes, sir, after a little bit they told me not to let anybody see it at the time of the original court order.

Q That was the time the Indictment was returned?

A Yes.

Q Who told you that?

A That was told to me by Mr. Talmachoff, as I remember.

A Since the Court Order was issued by Judge Alarcon, were any written instructions given to you specifically setting forth how Judge Alarcon's instructions were to be complied with?

A Yes, sir.

Q What kind of written instructions?

A It was just stated, just a series of instructions stating what to do and what not to do and do not expect any of the information in the case other than that -- that, well, they said, "Don't tell anybody what you have been instructed on it."

Q All right; I direct your attention to these photographs which we have here and these are photographs of exhibit viewing slips.

Are you familiar with these slips?

A Yes, sir.

Q Can you tell me by looking at these slips whether or not you participated in any of the transactions you see

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referred to on them?

A Just pull them out, is that all right?

Q Yes, that's all right.

A (The witness examines the exhibits.)

Q You are referring now to Grand Jury Exhibit 6, are you not?

A Yes.

Q And you have taken that out from the other exhibits?

A Yes.

Q What is there about Exhibit 6 that indicates that you had any connection with that transaction?

A Because it has my handwriting.

Q You're referring to Exhibit Number 6 which is dated 6-26-69 and it indicates that J. G. Christian was the person viewing the exhibits?

A Yes, sir, that's right.

Q Which part is your handwriting?

A This part.

Q You're referring to the numbers in the lower right-hand corner; 21-A, 109-B, 161-B, 120-A and then something that is scratched out?

A Yes, sir, that's right.

Q Do you recall specifically showing those exhibits?

A Yes, I think I did. I handed them to the person who wanted to look at them and when he was finished I had it returned to me.

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Q How about the other exhibit numbers on that slip; are they in your handwriting?

A No, sir.

Q Does that indicate to you that there were other persons besides yourself that attended to the needs of this particular man?

A That's correct.

Q Is it the same handwriting of the same person throughout the entire exhibit that you've looked at?

A Not necessarily because of the fact we many times are busy marking cases or bringing in cases for other customers.

Q Is it common for you to be serving one or more people at the same time?

A Sometimes as many as five or six people.

Q Then on any one viewing one or more clerks might handle the Sirhan exhibits?

A That's correct.

Q Was it uncommon for you to bring out certain exhibits which a person wanted to see and then you would be called away to take care of other people to see what their requests were?

A No, that would not be uncommon.

It would happen all the time.

Q Can you tell me what security precautions were taken as far as the exhibits being given to the person that you waited on?

Let me make it more clear.

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What kind of security would you have from the person that you had given the exhibits to in case you were called away to wait on other people?

A The security would be less in the extent that you're referring to.

Q All right; you have also shown us Grand Jury Exhibit Number 7.

Can you look at this and tell us what, in fact, if anything, you had to do with the exhibits?

A This is one I'm sure of.

Q Grand Jury Exhibit Number 7?

A Yes.

Q Why is that?

A My handwriting.

Q Incidentally, with respect to the two Grand Jury exhibits you have referred to, where you showed exhibits in the Sirhan case, can you tell us whether you showed original exhibits or photographs on those occasions?

A The photographs, sir.

Q Do you mean photographs or photocopies?

A Well, let's call them photocopies.

I showed them the photocopies.

Q Are there any other of these viewing slips that you recognize or recall?

A I think this one.

Q You're talking about Grand Jury Exhibit Number 8?

A Yes; but I'm not sure.

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Q Do you know what exhibits you gave out in connection with Grand Jury Exhibit Number 8?

A Well, Exhibit 19.

Q How do you know that?

A Well, most of the time I can recognize my own handwriting.

Q This is your handwriting?

A Yes, sir.

Q Is there anything on this slip, if you look at them, that enables you to tell whether it was the original exhibits that were shown to any particular person?

A No notation on there.

Q Can you tell us -- let me back up first.

Referring to the notation circled on the right-hand portion of Grand Jury Exhibit Number 8; is that your handwriting, also?

A I don't believe so.

The number looks like something I might have written but I don't even know who Wayne is.

Q You don't recognize the name "Wayne"?

A No, sir.

Q You don't recall who he is?

A At least I don't recall right now.

Q All right, sir, go ahead and tell us if you had any connection with any other transaction?

A Well, Exhibit 9.

Q You're referring to Grand Jury Exhibit Number 9?

A Yes; I think I gave him this 109-B.

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Q - You're referring to the 109-B circled at the very bottom of the page, towards the center?

A Yes.

Q How about these others?

A Yes, I think so.

Q Exhibit 166, which is circled?

A Yes.

Q And how about Exhibit 56-B?

A I think so.

Q How about the next one, 62-R?

A That looks like mine.

Q How about the other numbers showing on that exhibit?

A They are not mine.

Q They are not yours?

A No, I don't believe so.

Q All right; go ahead, please.

A Exhibit 10.

Q Will you please point it out to me?

A In the lower left-hand corner.

Q What significance are the circles and the "X" marks through the number?

A Probably means I couldn't find this exhibit and it was crossed out.

I mean, someone wrote that up but that is my handwriting but this is someone else.

Q How about this 124 and 160, did you place that on there?

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A No, I don't think so.

Q How about on the first sheet, 154-A and 156-A?

A Yes, I think that is mine.

Q I referred briefly to the back of the page, apparently the back of the document.

There were additional notations?

A Well, I don't think that is my handwriting.

Q Would it be fair to say from looking at this exhibit viewing slip, a number of people participated in this transaction in addition to yourself?

A That's right.

Q Can you tell us anything about Grand Jury Exhibit Number 11?

A I can't tell on that one.

Q All right; go ahead, please.

A I think this one.

Q Grand Jury Exhibit Number 14?

A Yes, sir.

Q 4-9-70?

A Yes.

Q Does that indicate the exhibits that were given to Mr. Christian on that date?

A No.

Q Were you given any instructions that these exhibit viewing forms had to be filled out completely and accurately?

A Well, they told us at all times we should fill it out so that it is clear and that it can be read. I guess it

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was assumed that I should fill it out correctly.

Q Can you tell from Exhibit 14 what exhibits were given to Mr. Christian on 4-9-70?

A No, I cannot.

Q All right, would you please go on?

Let me show you the exhibit viewing slip for June 25th.

That is Grand Jury Exhibit Number 29.

Does that look familiar to you?

A June 25th?

Q Yes.

A The exhibit itself?

No, sir.

Q I have another one for June 25th.

Does that look familiar to you?

A No.

Q How about this one for January 31. Did you have any connection with that?

A No, sir.

Q Let me ask you this question, sir.

With reference to a person by the name of John Christian, do you remember that name?

A Yes, I do.

Q Did you wait on him during the time, or were there a number of occasions when you waited on Mr. Christian?

A Yes.

Q Were there a number of occasions when you waited on a man by the name of Mr. Ted Charach?

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A Yes.

Q Do you recall what, if anything, you brought for his observation and inspection?

A Well, manila folders. There were two large boxes and there was a listing of witnesses that might have been called before the Grand Jury in the Sirhan case.

Q Were these the original exhibit folders?

A Yes.

Q Is it true, sir, that no copies had been made of those original exhibit folders?

A That's correct.

Q During the time that the exhibits were being viewed, would it be fair to say it was impossible for you to watch every movement of either one of those persons made during the time they viewed the exhibits?

A Yes, sir.

Q Was that because you had numerous other duties?

A Yes, sir.

Q Would it be fair to say that you did the best possible job you could possibly do?

A To my way of thinking.

Q Insofar as where the exhibits were kept, do you recall where the original exhibits were kept?

A The original exhibits were kept in the safe.

As the amount of the exhibits became larger certain exhibits were not put in the same location in Room 448.

Q What is Room 448?

A It's the Criminal Division.

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Q But they were kept in the safe?

A As some of the exhibits increased they were stored under a table.

Q Where was that table located?

A Approximately two and a half or three feet from the vault.

Q Insofar as the gun and bullets were concerned, do you remember where they were kept?

A They were also kept in a safe.

Q Did you ever see Mr. Talmachoff or Mr. Wilson look in the safe at those exhibits?

A I recall that they looked at them, but I don't recall whether they actually took them out of the safe or not.

Q Do you remember on how many occasions they actually looked at them?

A I couldn't be sure but I would say not more than three or four times.

Q Did you make any observations of the exhibits yourself?

A Yes, sir; all of us did, as I recall -- well, maybe some of the others didn't.

Q Do you know why they would look at them?

A Curiosity. The same as I looked at them.

Of course, I took them in originally as they came down and I looked at them, too.

Q Did it ever come to your attention that any of the ballistics evidence in the case, either the bullets or the

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shell casings had been dropped?

A Dropped?

Q Dropped, yes.

A On the floor or something?

Q Yes, sir.

A Not that I recall.

Q Do you have any recollection of exhibits being lost in the clerk's office, when you worked there?

A Yes, that would happen occasionally.

Q One of the Grand Jurors has noted on some of the exhibit viewing slips, some of the exhibit numbers are circled.

Was that your practice, sir?

A To tell the truth, it was so long ago I don't know the reason why we did it but I imagine it was to show that it had been returned, but that is just a conjecture on my part.

Q Would it be fair to say, Mr. Brooke, that there was a certain laxity in the security in connection with the exhibits?

A In all the exhibits?

Q Yes; in all the exhibits?

A Not in all the exhibits. In certain exhibits, yes.

I thought it was important enough -- of course, that wasn't any of my business, but I thought it should not have been done.

Q I would like to hear your opinion?

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A I thought someone should watch over people who looked at all the exhibits at all times.

Q Why do you feel that way?

A Because many times the defendants want to look at exhibits in a case and I suppose it is a fixed axiom to me that all defendants are guilty.

Naturally I know it's not true but that's the way it seems to me and it seems to me that they would like to change the evidence in some sort of way.

Q Did you ever comment on that feeling to any of the supervisors above you?

A No; it was a private thought, just a private thought.

Q Did you ever obtain the gun for any individual who wanted to look at it?

A The gun?

Q Did you ever bring the gun out, the original gun or any of the ballistics evidence for people to look at?

A Yes, I did.

Q When, sir?

A Well, I can't tell you approximately, but it was after the case was over.

Q Do you recall the circumstances that caused you to bring out the original exhibits as distinguished from the photocopies?

A I think it was the gentleman who was taking ballistics tests, but they looked through the microscope at the bullets and the gun and apparently they had a court order,

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although I don't know what was included in it.

Q What gave you the impression they had a court order?

A Well, someone -- I don't know who it was -- I didn't pay that much attention -- told me.

Somebody told me they had a court order and I think they told me and they might have gotten one of the bosses to help set the things up.

Q On how many occasions did you bring out these original exhibits, approximately?

A At least a dozen times.

Q And did you stand there during the entire time these people were looking at the exhibits?

A No, sir, I took two slips and they were looking at it a couple of hours.

Q Did you have any other duties to perform?

A Yes, I did.

Q Did anyone take your place in giving the kind of security that might be necessary?

A Only as far as I was around there, I would look at them and I'm sure the others did look at them, too.

But as far as the security is concerned, there wasn't a real amount of security.

Q Can you say for certain that they always did return the exhibits every time they finished with them?

A Yes, I think they did.

Q Maybe I need some clarification.

You brought out the original exhibits for them to

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see?

A Only the weapons and the bullets.

Q Did you actually give the weapon and the bullets to certain people?

A With the package that they were in, yes.

Q Did you then go back to your other duties?

A Yes.

Q Did any clerk replace you to the extent of watching them?

A No, sir.

Q When they were finished they brought the exhibits back to you and you then returned them to the vault?

A Yes.

Q Did anyone ever tell you to watch these people when they had the original exhibits?

A No, not to my recollection. Otherwise I would have.

Q Was there more than one person to whom these original exhibits were given by you?

A Only two people.

Q Let me show you Grand Jury Exhibit Number 47.

Do you recall the person whose picture is in that exhibit?

A Yes; I sort of have a vague recollection.

I recognize the picture but as to its positive identification I cannot say.

Q Was he one of the persons to whom you showed the original exhibits?

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A If he is the person that is identified by that picture, yes.

Q Do you think so?

A As I mentioned before, I don't know whether that is the person.

Q This person is named William W. Harper.

Does that mean anything to you?

A Yes.

Q Do you remember the time you gave him the gun whether there were any other people sitting with him?

A Yes, there were other people with the gentleman.

Q There were other people with the gentleman that was Mr. Harper?

A Yes.

There was Mr. Harper and another person.

Q From the general public?

A Yes.

Q Who had access to the safe you mentioned?

A Everyone who had to work there in that section.

The two bosses had the key and they would open it up in the morning.

Q Do you know what was ordinarily kept in that safe?

A Well, they had all kinds of things but they would keep money and certain large exhibits.

Q Did you have access to that safe?

A Yes.

Q When was that?

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A During the day when it was open.

Q Did you ever hear any discussion among the clerks regarding the security of the Sirhan exhibits themselves?

A Not specifically, no, sir.

Q When you say "not specifically", how about generally?

A Only that there should be security, tighter security than they had at the time.

But, as I say, nothing specific was brought up about the security.

Q Did anyone ever show you a court order which stated exactly who was permitted to have access to the original exhibits?

A That's what I was trying to think about all during the time.

All during the time I was made aware there was going to be a problem in this case, but I don't recall.

Q Did anyone ever bring any scientific equipment into the clerk's office?

A Yes, those two gentlemen that I mentioned.

Q Which two gentlemen?

Do you mean Mr. Harper and somebody else?

A Yes.

Q Do you know it was the Sirhan exhibits that you showed to him?

A Yes.

Q Did you ever ask your supervisor if it was all

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right if they brought in that type of scientific equipment?

A No, sir.

They could see it was there.

Q On how many occasions do you recall that the scientific equipment of some kind had been brought to the clerk's office in connection with the Sirhan case?

A At least seven or eight times.

Q Were you involved in any transactions with them when they brought in this scientific equipment?

A I wasn't alone. I wasn't the only one.

Q Other than bringing out the exhibits to them, did you observe these people handling the bullets and the bullet fragments and the gun?

A In passing, perhaps, while I was going to and from in my work I would look at what they were doing.

Q What did they seem to be doing?

A It appeared they were looking at it with the microscope.

Q Are you certain it is a microscope?

A If it isn't a microscope, it looked just like one.

They were looking at what appeared to be bullet fragments through the microscope.

Q Can you say with any reasonable degree of certainty that the original exhibits in the Sirhan case have not been tampered with?

A To my way of thinking, I don't believe they have been tampered with.

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Q Can you with any reasonable degree of certainty state they had not been switched during the time that you were working in the clerk's office?

A I don't think that they had been switched, either.

Q Are you basing that on your own experience, sir?

A Yes.

Q You're not purporting to speak for the events that may have occurred, of which you have no knowledge?

A That's correct.

Q Did you ever hear the supervisor say it was a mistake to permit one or more persons to see the evidence in the Sirhan case?

A No, sir.

Q I believe this question has been asked, but I will ask it again so that there may be no confusion in the record on it.

Do you remember the name of the man to whom you actually showed the original gun and the bullets in the Sirhan case?

A No, except for the one you mentioned.

Q Mr. Harper?

A Yes, I think so, but I don't even know if that was his name or not.

Q There were a number of documents that were kept in connection with the Sirhan case. Let me take one, let me show you Grand Jury Exhibit Number 50.

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Have you ever seen that document before?

A All I can say is that it looks familiar. It looks like one of the exhibits that was handed out.

Q Did you ever authorize anyone to remove any of the pages from that exhibit?

A No, sir.

Q Did you, yourself, remove any of the pages from that exhibit?

A No, sir.

Q Have you heard any conversation down in the clerk's office involving the removal of any pages from this or any other exhibit?

A No, sir.

MR. HECHT: I have nothing further of this witness.

THE FOREMAN: Are there any questions to be directed to this witness by any member of the Grand Jury? If so, please write them out and they will be directed to the witness through the Deputy District Attorney.

Apparently not.

I'd like to caution you not to discuss or impart at any time, outside of this jury room, the questions that were asked of you in regard to this matter, or your answers, until authorized by this Grand Jury or the Court to discuss or impart such matters.

You will understand that a violation of these instructions on your part may be the basis for a charge against you of contempt of court.

Do you understand that?

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THE WITNESS: I do.

(Thereupon, the witness, Roger T. Brooke, was then escorted from the Grand Jury Hearing Room by the Sergeant At Arms.)

THE FOREMAN: We'll recess now until 1:15.

Would everyone please be on time.

(Whereupon, an adjournment was taken until 1:15 P.M. of this same day.)

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